



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 146

WASHINGTON, WEDNESDAY, OCTOBER 18, 2000

No. 131

## Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 10:01 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Your omniscience confronts and then comforts us. We know that if we acknowledge Your involvement in the work of this Senate, that You are actually present in the Chamber, we will be accountable to You for what we say and how we say it and the methods we use to both block or boost progress. Your x-ray vision penetrates to reveal the human dynamics as we near the conclusion of this 106th Congress. You see our efforts to complete our work, while at the same time You also see the tensions over control, how we will look to the American people, and our desire to win arguments as well as votes. We harbor vague ideas about Your omniscience, but seldom think about the fact that You are as concerned about legislation and political process as You are about running the universe.

Lord, it is difficult to trust You to work out Your best for America in the midst of our divided ideologies. We need a fresh supply of faith to serve You by doing our work cooperatively, speaking the truth as we have come to understand it, blending the finest thinking we can produce with Your

help, and then leaving the results to You.

Now in this moment of honest confrontation with You, we ask for Your help to do things Your way. We commit ourselves to excellence in our work and we trust the results to You. We truly believe that You desire to work out Your purposes for America through this Senate. You are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TIM HUTCHINSON, a Senator from the State of Arkansas, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Arkansas is recognized.

### ORDER OF PROCEDURE

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that at the hour of 12:30 p.m. the Senate stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### SCHEDULE

Mr. HUTCHINSON. Mr. President, for the information of all Senators, the Senate will resume debate on the conference report to accompany the Agriculture appropriations bill. Debate on the conference report will be limited to today's session, with final remarks to begin at approximately 3:30 p.m. Those Senators who have statements are encouraged to come to the floor as early as possible today due to the break for the weekly party conference meetings. The vote on the Agriculture appropriations conference report will occur at 5:30 p.m.

I thank my colleagues for their attention.

The PRESIDING OFFICER (Mr. HUTCHINSON). The distinguished Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask unanimous consent that following my brief remarks, the Senator from North Dakota, Mr. DORGAN, be recognized for 20 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

### CANONIZATION OF MOTHER KATHARINE DREXEL

Mr. REID. Mr. President, I am here today to pay tribute to the legacy of

### NOTICE

Effective January 1, 2001, the subscription price of the Congressional Record will be \$393 per year or \$197 for six months. Individual issues may be purchased for \$4.00 per copy. The cost for the microfiche edition will remain \$141 per year with single copies remaining \$1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, *Public Printer*

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S10645

Mother Katharine Drexel, who on October 1, just a few weeks ago, became the fourth American ever to be canonized by the Vatican.

Katharine Drexel was born in 1859 into a very well-to-do family in Bucks County, PA. Early in life, though, she dedicated herself and her inheritance to work for social justice for African Americans and Native Americans.

Mother Drexel's legacy reflects more than simply her commitment to the Catholic faith, though her faith was the inspiration for her life's work. Her activism expanded into the area of civil rights due to her understanding of the lingering effects of racism towards African American and Native Americans.

Due to her commitment to eradicating the vestiges of racism, she founded the Blessed Sacrament for the Christian education of Native Americans and African Americans.

In addition, throughout her life, she founded over 100 educational institutions for African Americans and Native Americans.

The most famous school she founded is Xavier University in New Orleans. At the time, no Catholic university in the South accepted black students and Mother Drexel established Xavier University to fill this void.

Along with her sisters, Mother Drexel inherited close to \$14 million. Mr. President, \$14 million in 1860 was a lot of money. Through her support of civil rights organizations such as the NAACP, and her numerous foundation schools, Mother Drexel donated more than \$20 million through her charitable work, a figure that in today's value exceeds a quarter of a billion dollars.

The excellent management of her inherited estate also earned her the reputation as an accomplished businesswoman. Thus her social justice work in the late 1800s and early 1900s also made her a woman's rights activist.

Although Mother Drexel passed away in 1955, her legacy continues today through the work of the Catholic order that she founded in 1891, an order that continues to carry out her vision of ending racial injustice.

It is my hope that we will all join in acknowledging the work of those who have dedicated themselves to working for the needs and concerns of all Americans. Nevada is home to both Native Americans and African Americans. I find it, therefore, especially appropriate that I speak today in spreading across the RECORD of this Senate the tremendous contribution and legacy of this great American, Mother Katharine Drexel.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE TWO PRESIDENTIAL CANDIDATES

Mr. DORGAN. Mr. President, last evening I watched the Presidential debate, as I am sure many other Americans did as well. I was thinking, after the debate, that those who claim there is not a difference between these candidates, and not a choice in this election, just have not been listening. There is clearly a choice and a difference between the two Presidential candidates.

I happen to believe both are pretty good people. You don't get to the point where you achieve the nomination from your party for the Presidency of the United States without having some significant experience and talent. But there are vast differences in public policy. I want to talk just a little about this, and especially about one of the significant issues in this campaign: the proposals for tax cuts.

Governor Bush has proposed tax cuts that are somewhere in the vicinity of \$1.5 trillion over the coming 10 years.

We have had a wonderful economy in recent years. This country has been blessed with economic opportunity and growth that is unprecedented. We have the strongest economy in the world. Virtually everything in our economy has been headed in the right direction. Unemployment has been down; inflation has been down; home ownership up. Virtually all of the indicators of economic health have been good. This economy has been heading in the right direction.

One factor in that health is that Congress made some choices early on; difficult choices, to be sure, but ones that helped put this economy back on track. I worry very much that, as some economists tell us there will be surpluses for the next 10 years, this rush to enact \$1.5 trillion in tax cuts even before the surpluses exist could lead us to a much different economic place. If we take that path, and if we don't get the surpluses we expect, then we will begin to experience, once again, Federal budget deficits. We will be right back in the same dark hole of budget deficits and lower economic growth and more economic trouble.

I will read a couple of quotes.

There is no cause for worry. The high tide of prosperity is going to continue.

September 1928, by Treasury Secretary Andrew Mellon.

No Congress of the United States ever assembled on surveying the state of the Union has met a more pleasing prospect than that which appears at the present time.

December 4, 1928, President Calvin Coolidge.

Economic forecasting is a tricky business under the very best of circumstances. But it is particularly suspect in the political arena, when partisan agendas are at stake and when the forecasts purport to show whether someone's agenda can work or not work. We have two classes of forecasters, according to one economist:

those who don't know, and those who don't know they don't know. We might want to add a third class of economist: those who don't know but don't care because they have an agenda to justify in the political arena with their forecasts.

The problem with economic forecasting is not just uncertainty around the edges. The problem goes to the very core of the endeavor. Most forecasting is simply linear; that is, it assumes that tomorrow will be pretty much like yesterday with just a little something added on. Of course, life is not linear. There are sudden lurches and jolts which none of us can anticipate. Yet forecasters always have a model they use that anticipates tomorrow will reflect the experience of yesterday.

If we start writing tax refund checks with money we don't yet have and return to the staggering deficits of recent times—a \$290 billion deficit the year this administration took office 8 years ago—we will have a much less certain economic future. All of us should understand that.

The reason I want to talk about this is that it is at the core of the debate in the Presidential contest. The question for me is, Are we going to move forward and build on our economic success, or are we going to risk slipping back into big deficits?

How much budget surplus is there? We hear candidates talk about trillions, \$3 trillion, \$4 trillion, \$4.5 trillion. I went to a high school with 40 kids in all four grades. My class was ninth. We didn't have a lot of advanced math. We never studied trillions, I confess. I am not sure I understand what a trillion is. I know how many zeros exist in a trillion, but I am not sure I, nor anyone else in this Chamber, knows exactly what a trillion is.

So we hear the Congressional Budget Office say, you have an estimated \$4.6 trillion surplus in the coming 10 years. Then we hear candidates say, if we have all this surplus, let's propose a \$1.5 trillion tax cut, most of which will go to the upper income folks, which I will talk about in a moment. The problem here is this: We may never have this surplus.

First of all, \$2.4 trillion belongs to the Social Security trust fund. It has to go there and should not be touched by anyone for any other purpose. Another \$360 billion goes to the Medicare trust fund. It ought to be put away and not touched for any other purpose. Realistic spending adjustments will be about \$600 billion; we are making these right now to exceed the budget caps because the budget that was passed earlier this year was wildly unrealistic in terms of what is needed for education and health care and a range of other issues, just to keep pace with increased population needs. These figures, incidentally, are from the Center on Budget and Policy Priorities. This organization says that, if you also include amounts necessary for Social Security

and Medicare solvency, which you are going to have to do, you have probably a \$700 billion estimated surplus. That is if everything goes right—\$700 billion, not \$4.6 trillion.

Now, with this prospect, if you add a \$1.5 trillion tax cut, what do you have left? Almost a \$1 trillion deficit.

Should we be a bit cautious? Should we be concerned about talk of giving back taxes on a permanent basis based on surpluses that don't yet exist? The answer is yes. We would be, in my judgment, far better off if we decided to establish some basic principles for the use of any estimated surplus.

The priorities I think are these: First, we ought to pay down the Federal debt. Second, we ought to ensure the long-term solvency of Social Security and Medicare. Then we ought to address the urgent needs of this Nation, such as repairing our schools and making sure our kids are walking through classroom doors in the best schools in the world; and dealing with the prescription drug prices that are too high for many of our senior citizens to afford. Then we should provide targeted tax relief for working families.

There is a very big difference in the agenda of the candidates for President. Governor Bush says his priority is to provide a very large tax cut. The risk is that we won't have the money for a \$1.5 trillion tax cut. The risk is that we may well go into a \$1 trillion deficit because of that proposed tax cut. I hope that will not be the case, but it is certainly possible.

The problem with the tax cut itself is, even if you decided we should cut some taxes, the question is for whom and which taxes. Here is the proposed tax cut by Governor Bush. You can see the lowest 20 percent get \$42 apiece a year, and the top 1 percent get \$46,000 each.

In the debate last night, Governor Bush said: Well, of course, the wealthy, the upper income people get most of the tax cuts; they pay most of the taxes.

You can say that only if you are using a magnifying glass to suggest that the only taxes people pay are income taxes. I have a chart that shows something interesting. People pay \$612 billion in payroll taxes in this country. Go to a convenience store somewhere. Maybe you will run into a person working in that convenience store for the minimum wage, working 40 hours a week, trying to raise two or three kids. They pay more in payroll taxes than they pay in income taxes. Yet that doesn't count, according to Governor Bush. All that counts is this: Let's give money back based on income taxes.

How about proposing a tax cut to the American people based on their real tax burden? Let me show you that burden. The fact is, 99 percent of the people in the bottom fifth income bracket in this country pay more in payroll taxes than they do in income taxes. As to the second fifth, 92 percent pay more in payroll taxes than they do in income

taxes. Those folks work hard every day. They get a check that is less than their salary because money is taken out. Why is money taken out? For taxes. Which taxes? Payroll taxes as well as income taxes. Then they are told that when it comes to tax cuts, they don't count because we are going to give tax cuts based solely on who pays income taxes.

So the wealthiest get the biggest tax cuts. Is that fair to the people at the bottom of the economic ladder who work hard every day and who pay heavier payroll taxes than they do income taxes? The answer is absolutely not. That is another difference in philosophy.

There are people in this Chamber and people who are advisers to Governor Bush and others who believe that the proper approach to taxation is to tax work and exempt investment. That is their philosophy. Why? It is a typical political debate that has gone on for decades. Do you believe this economy works best by pouring something in at the top—that is called trickle down—or by nurturing something at the bottom, called percolate up? Do you believe America's economic engine works best if you just get some cans and pour it in the top? Or do you believe that if you give everybody at the bottom a little something to work with, that this economic engine works because things percolate up? It is a difference in philosophy.

Governor Bush believes, as do those who control the Congress, in the trickle-down approach.

I received a note from a North Dakotan one day, a farmer. He said: I have been living under this trickle-down stuff for 15 years, and I ain't even got damp yet.

Of course, Hubert Humphrey used to describe the trickle-down approach in his famous quote: That is where you give the horse some hay to eat, hoping that later the birds will have something to nibble on.

So we have this debate in the country. Who is right? It seems to me that if we are going to do this in a conservative, thoughtful way, we ought to decide the following: We don't know what the future holds. Let us hope the future is as wonderful as the last 6 or 8 years have been in terms of economic performance. Things are better in the country; everyone understands things are better.

You can stand on this floor and say, like the rooster taking credit for the sunup, that this person or that person should get the credit for the success of the economy. The fact is, we were headed in the wrong direction. This economy was in deep trouble. We had run up a \$5.7 trillion in debt, and we had a \$290 billion annual deficit in 1992. We were moving in the wrong direction very rapidly.

We in this Chamber, and over in the House—by one vote in each Chamber—passed a new economic plan. It was controversial as the dickens. It was not

easy to vote for. In fact, let me read a couple of statements that were made at the time on the floor of the Senate. I will not read the authors, but we had people stand up on the floor of the Senate, and they had their own predictions regarding what this economic plan would be for our country.

On August 6, 1993, one of my colleagues stood up and said:

So we are still going to pile up some more debt, but most of all, we are going to cost jobs in this country [with this plan].

Another Senator, another colleague, said:

Make no mistake, these higher rates will cost jobs [in this plan of yours].

Another one said:

When all is said and done, people will pay more taxes, the economy will create fewer jobs, government will spend more money, and the American people will be worse off.

Another said:

It will flatten the economy.

That was at a time when we had an anemic economy, with slow growth, huge deficits, and moving in the wrong direction. And where are we in the year 1999 and the year 2000, after 8 years of that experience? We have an economy that is the envy of the world, growing faster than any other industrial economy in the world. Unemployment is down. More people are working. Welfare rolls are down. Inflation is down. Home ownership is up. Almost every indicator of economic health describes a country that is doing better. What should we do at this point? Some say give huge tax cuts, right now. Let's put them in law right now, lock them down.

If during good economic times you don't use the opportunity to pay down the Federal debt, you are never going to be able to pay down the debt. When you run up debt during tougher times, you ought to pay it down during better times. That is as conservative an ethic as you can have, it seems to me.

Why this Congress would not embrace that is beyond me. Why we would not agree together that it is our responsibility to pay down the debt during better times—what greater gift could there be to America's children than to unsaddle them from the debt, the \$4.7 trillion that was added between 1980 and the late 1990s? What better gift could we give to them than to say our first job is to pay down this Federal debt? But, no, there is some political attractiveness, I guess, to say we want to give tax cuts. Gee, that is an easy thing to say, but it is not at this point a very responsible fiscal policy—especially when the largest portion of those cuts would go to the wealthiest Americans who have done the best in this economy.

It seems to me that tax cuts ought to come after the paydown of the debt and a number of other obligations. But second, when we do them—and we should if we have surpluses—we ought to do them based upon the burden the American families have in the workplace,

which includes not just the income tax but also the payroll tax. Those are the things I think we ought to consider.

Now, the other issue in the debate last night was, whose side are you on? I know there is a difference between the two candidates. Let me say I am not here to say one candidate is bad and the other is good. That is not my role. My role is to say there is a very significant difference in what they believe and how they approach public policy. I think on the key issues the American people ought to evaluate these matters that were before this Congress.

**A Patients' Bill of Rights:** Who is on whose side on the Patients' Bill of Rights? Does anybody really believe that with the growth of the HMOs and managed care organizations that patients are just fine; let them fend for themselves? Or do people really understand it is time to do something to pass a Patients' Bill of Rights? And if they believe we ought to, why has this Congress not been willing to do it? I will tell you why: because too many in this Congress stand with the insurance companies and the managed care organizations, and too few have been willing to stand on the side of patients.

We have heard story after story of people who have had to fight cancer and fight their HMOs at the same time. These stories have been told on the floor of this Senate. I will state again that at one hearing I held on this issue with my colleague from Nevada, a woman stood up and held a picture of her son. She began crying as she described her son's death on his 16th birthday. Her son suffered from leukemia and desperately needed a special kind of treatment in order to have a chance to live. But he had to fight his cancer and fight his managed care organization at the same time because the managed care organization withheld that treatment. She said her son looked up at him from his bedside and said: Mom, how can they do this to a kid like me?

It is not fair to have a child or have parents fight cancer and the insurance company at the same time. That is not a fair fight. Should we pass a Patients' Bill of Rights? Yes, we should. It is what Vice President GORE said last evening. It is what we said in this Congress. Why don't we do it? Because too many stand on the side of the bigger economic interests and are unwilling to stand on the side of patients.

They say the Senate passed a Patients' Bill of Rights. No, the Senate passed a "patients' bill of goods." It was like playing charades, pulling on your ear and saying: It sounds like. Those who wrote it knew what they were doing. Republicans in the House of Representatives say it not only is not worth anything, it is a giant step backwards. The Republicans in the House who support the bipartisan Dingell-Norwood bill know what we ought to do, and this Senate has been unwilling to do it.

**Minimum wage:** We have people every day who are working their hearts out trying to take care of their families at the bottom of the economic ladder. Somehow, while this Congress is in a rush to help those at the top of the income ladder with tax cuts, these folks who are working at the bottom of the economic ladder, trying to get ahead, are left behind. They deserve an increase in the minimum wage. They deserve to keep pace. It ought to be a priority in this Congress to say work matters and we value you. If you are struggling to work and take care of your families—good for you. We want to do something to make sure you keep pace with that minimum wage.

Other issues include prescription drugs and Medicare. Of course we ought to add a prescription drug benefit to Medicare, but this Congress does not seem to want to get there.

**Helping family farmers:** You can't say you are pro family and not stand for family farmers.

**Education:** We have not even passed the Elementary and Secondary Education Act.

We have a lot to do. There are big differences between the political parties. That doesn't mean one is good and one is bad. It simply means there are significant policy choices the American people have an opportunity to make. We have been struggling mightily on these issues. We are a minority on my side of the aisle. The debate last night highlighted some of the differences. And America needs to make a choice. Which path do they want to choose? One with more risk that might upset this economy of ours and throw us back into the same deficit ditch we were in before, or one that is more cautious, that says one of our priorities is to pay down the debt? Or will we choose a course that says we want to stand with the American people against the larger economic interests?

It is not a myth that the economic interests are getting bigger and bigger. Open the paper today and see who merged today. Yesterday it was two big oil companies. Tomorrow it will be two big banks. Every day the economic enterprises are getting bigger. And what is happening is every day the American people are finding they have less power in dealing with them, they have less power in confronting the prescription drug prices because the pharmaceutical manufacturers decide what the prices are, and they tell the American people: Pay up. If you don't like it, don't buy it. And they will charge ten times more for a cancer drug in the United States than the same drug they sell in Canada.

The American people need some help in confronting these concentrations of economic power. That is what we have been fighting for. My hope is that the next time someone says there is no difference in these campaigns, there is no difference between the two candidates for President, no difference between the Republican and Democrats, I hope

they look at the record. There is a big difference. I hope they make a choice that says that difference matters in their lives, as well.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCY PROGRAMS APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 4461, which the clerk will report.

The assistant legislative clerk read as follows:

A conference report to accompany H.R. 4461, an act making appropriations for Agriculture, Rural Development, the Food and Drug Administration, and related agency programs for fiscal year ending September 30th, 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from New Jersey.

#### CAPITAL PUNISHMENT

Mr. TORRICELLI. Mr. President, for nearly 200 years from the founding of our Republic, capital punishment has loomed as the ultimate punishment for the violation of our laws. This reflected a belief that such a severe penalty would serve as a deterrent to those who might think they can take an innocent life or bring injury to our people.

While this Nation has always believed that capital punishment is an appropriate penalty for those who commit the most heinous of crimes, our criminal justice system has also been based on the premise that it is better—and it has been part of American lore to suggest that it is better that ten guilty men go free than an innocent man ever be put behind bars or lose his life.

This is all the more true when what is at stake is not just putting a person in prison—an act that could be rectified or proven wrong—but the irretrievable taking of a human life. As long as there has been the American Republic, this has been a founding belief: Taking of a life, if it can deter a crime, but protecting a mistake of justice.

Throughout our history, concerns have been raised about the fair application of the death penalty for exactly this concern.

Almost 30 years ago, the Supreme Court, in *Furham v. Georgia*, effectively abolished the death penalty when it decided that death penalty statutes at the time did too little to ensure the equal application of the law. In doing so, the Court held that the death penalty, while itself not necessarily unconstitutional, was often

being applied in a manner that was both arbitrary and too severe for the crime committed. As such, it constituted, as the death penalty was then applied, that it was a "cruel and unusual" punishment under the Constitution.

Just 4 years later, in 1976, the Court, in its Gregg decision, reinstated the death penalty when it ruled that the newly enacted statutes in Florida, Texas, and Georgia were constitutional. By providing guidelines to assist the judge and the jury in deciding whether to impose death, those statutes addressed the arbitrariness that had previously colored capital sentencing.

It was at this point in my life that I reached my own decision. I agreed with the Court in what had become the tenets of American history that the death penalty was fair and appropriate as a deterrent to crime; it was just when the application of the American Constitution, as the Court had held, where it was arbitrary, where there were not guidelines, where there was not a safety to protect the innocent or arbitrariness of penalty, it was unconstitutional.

As the Court had found by 1976, I believed that with the right guidelines, a second jury, oversight, appeal, fair representation, the death penalty was right and it was appropriate.

In the nearly 25 years since I reached my own judgment, and indeed as our country reached its decision, 666 people have been executed across the Nation.

I rise today to bring attention to the point that in those 25 years, more than 80 people on death row have been found to be innocent and released. Some were hours, minutes, weeks away from their own execution.

These were not reversals on technical grounds. For the people whose convictions were overturned, after years of confinement, years on death row, it was discovered they simply were not guilty of a crime for which they had been convicted.

The Death Penalty Information Center reports that between 1973 and October 1993 there were an average of 2.5 convicted persons released per year. Since the advent of DNA testing, the number has increased to 4.8 people per year. For any American, particularly someone such as myself who supports the death penalty, believes in the fairness of the death penalty, one can only imagine the responsibility individually and collectively we must feel.

The question is begged; If this has happened since DNA testing, 4.8 people released from jail on death row, my God, what has happened in recent decades? How many people were strapped to gurneys, had their wrists attached to leather strips in electric chairs, knowing in their own minds that they were innocent but executed? My God, what must they have thought of our society, justice, and our people?

There are now 3,600 people on State and Federal death rows.

Despite my own support of the death penalty and our society's general belief in it, we must face the reality that those 3,600 people some may be innocent. The events of recent months give little comfort to any of us who support the death penalty.

Two weeks ago, the Governor of Virginia was forced to pardon a mentally retarded man who spent 9½ years on death row for rape and murder after DNA tests proved he was innocent—9½ years awaiting death.

An inmate in Texas served 12 years on death row for the killing of a police officer before a film maker stumbled across his case and discovered evidence that established his innocence. An Illinois inmate was released just 50 hours before his scheduled execution because a student's journalism class at Northwestern University accepted his case as a class project and established with certainty his innocence—50 hours before his death.

The evidence, both academic and anecdotal, shows that the death penalty is not functioning as it must to ensure that innocent people not be put to death.

What has happened to the conviction of the Founding Fathers and Jefferson's admonition that it is better 10 guilty men go free than an innocent man go to jail? It has not been "an innocent man go to jail," but the evidence is overwhelming that some innocent men are going to death.

It is not an easy issue. I am not here to ascribe the responsibility to others. I bear it, too. Through all my public life I have supported the death penalty, and I do not abandon it today. I believe it can be fair; I believe it can be just; and I believe it deters crime. I believe it is appropriate that society take the lives of those who would take the lives of others. But something is wrong.

The fact is that sometimes these people committed other crimes, and most of the people who commit these crimes who are put to death are guilty. None of those things matter. It doesn't matter if it is only 1 in 100. It doesn't matter if it is 1 in 1,000. As a just and fair society, no one can feel right about the fact that obviously without question some innocent people may be put to death or, if not put to death, are spending years of their lives on death row for crimes they did not commit.

Nowhere is this problem more evident than the State of Texas. I do not say that because its Governor is a Presidential candidate or because of the other party. I don't care. It has no relevance to me. I ascribe nothing to George W. Bush. I am simply discussing the facts in the State for which this problem appears to be most prevalent.

Since 1982, Texas has executed 231 people—and, in fairness, under both Republican and Democrat Governors, to take away any partisan motive.

This year alone, 33 people have been put to death in Texas. Another 446 are on death row.

Because of the frequency of executions in Texas, that State offers us the best window through which to examine some of these concerns because in doing so, it quickly becomes clear that if the death penalty in Texas is representative of the rest of the Nation, we have a real problem.

In a massive study of 131 executions in the State of Texas, it is documented that there were widespread and systematic flaws in trials and in the appeals process.

In a third of the Texas death penalty cases, the defendant was represented by an attorney who had already been disbarred.

How in God's name is it possible in a just and fair society to take a man's life or a woman's life in an American court of justice if that poor person, who is probably inevitably indigent, is represented by an attorney who has been proven to be incapable and is disbarred before the courts of the United States?

My God, what kind of people have we become? Are we so interested in revenge, execution, and punishment of a man or woman that we would not give them a competent attorney? Several of these attorneys have themselves been convicted of felonies. Others have been jailed on contempt charges for sheer incompetence in the performance of their duties.

The Supreme Court has held—and the Founding Fathers must have believed—that any man or woman who shares our citizenship has a right to counsel before the courts and a defense before the Government with their own attorney.

Is this the standard they held? Is this the standard that every American would have for themselves—the right to an attorney who was disbarred, jailed, held in contempt, or found incompetent? Is this the barrier between an accusation against an American citizen and their execution?

In one-third of the death penalty cases in the State of Texas, defense counsel presented no evidence or presented only one witness during the sentencing phase.

When I made my decision in my life as our country made its judgment to support the death penalty, it was based on the Supreme Court requirement that there be a sentencing phase in the death penalty and a separate jury dealing just with the penalty of death.

I think that is right. I think that is fair. That is why I support the death penalty.

But now we find in the State of Texas that when that separate jury heard the case, these attorneys for these indigent men and women facing death presented no witnesses—or just one.

This cannot possibly be what the Supreme Court envisioned for the protection of our citizens from execution.

At least 23 cases featured notoriously unreliable "hair comparisons"—visual matching of the defendant's hair to that found at the crime scene.

This is unbelievable, but I am giving you the facts about this study of Texas cases.

One hair "expert" in a capital case with a man facing death was temporarily released from a psychiatric ward to testify. Another "expert" in a hair identification case pleaded no contest to multiple charges of falsifying and manufacturing evidence. There is the lone witness in a case that decides whether or not a man would be executed.

Since 1995, the highest criminal appeals court of the State of Texas has affirmed 270 capital convictions, including some where the defendants' lawyers were asleep during trial. But in those 270 cases, new trials were granted on only 8 occasions.

I do not think that I am suggesting to the Senate today an unreasonably high standard. But is it not appropriate at a minimum that in any case where a man or a woman is facing execution and the State is taking their lives, regardless of the evidence, that defense counsel should be awake during the trial? Where the evidence clearly establishes that the trial attorney is asleep, as a matter of simple justice, without contradiction, a new trial should be granted—at least on the penalty of death, if not of guilt or innocence.

This same court of appeals upheld the conviction and sentencing of a Hispanic man who was sentenced to death after a psychiatrist testified that he was more likely to commit future acts of violence because of his ethnicity. A psychiatrist argues before a court in the United States of America that a man is more likely to commit a crime because of his ethnic origin, and a court in the United States of America hears this evidence without reversal. It is unimaginable.

The U.S. Supreme Court recently ordered a new sentencing hearing in that case because of the evidence.

How many cases get to the U.S. Supreme Court? How many others would have filed? How many others are silent? How many others never got attorneys?

As a result of such injustices, it is not unreasonable to conclude, as Bob Herbert did in a recent New York Times op-ed piece, that the death penalty in the State of Texas is nothing more than "legal lynching."

This is not the death penalty that I have supported most of my life. This is not what the Supreme Court had in mind when it issued its standards. My God, this is not what the Founding Fathers had in mind when they talked about equal justice before the law.

There is a place in the American judicial system for capital punishment. I have not changed my mind. Certain crimes are so offensive, so outrageous, they so violate the public consciousness that capital punishment is the only appropriate response. It is, however, a remedy so severe that it must be administered with the greatest care, the greatest reserve, with the highest possible standards of justice, in representation and review, against arbitrary

ness, against discrimination, ensuring guilt, fairness, and uniformity.

These cases in Texas—and while Texas may be the most egregious, it does not stand alone—simply do not make that standard.

Supporters of the death penalty, like myself and a majority of Americans, are concerned that innocent people have been, are, or will be executed. And it is not a theoretical problem, it is real. In fact, in a recent survey by CNN/USA Today, 80 percent of Americans surveyed now believe innocent people in the United States have been executed in the last 5 years. That is quite a statement for us to make about our own country, our own system of justice. It is imperative that we take the necessary steps to ensure that it never happens again.

Already we are seeing several States take the lead against just such a threat. The Governor of Illinois, a Republican, to whom I give great credit, troubled by the fact that a number of people on the State's death row had been found innocent, announced earlier this year that he would block all executions until it had been determined that the death penalty was being administered fairly and justly, and I applaud him.

Maryland's Governor recently ordered a 2-year study of racial bias and death penalty procedures in his State, and I applaud him.

The Governor of California recently signed into law a bill that would guarantee every convicted felon the right to have DNA evidence tested if it was related to the charges that led to his conviction. Good for California. But it should be good for every State in the Nation and for the United States of America.

Although the Federal Government is not the arbiter of most death row cases, as with most issues, it has a responsibility to set an example. While the Federal Government has not executed someone since 1963, it cannot be said that the Federal system is the best it can be.

This Government has an obligation to reform the death penalty to ensure that innocent people are protected and to ask the States to do the same. This, in my judgment, requires, at a minimum:

First, ensure that defendants in capital cases have competent legal representation at every stage of the case. At every stage, there should be a lawyer who is trained, experienced, and has the ability to ensure, not just for the protection of the defendant but of the society, that we are not taking the life of an innocent person. I do not want just that defense for the defendant; I want that defense for me as an American, to know I am not responsible for the taking of the life of an innocent person.

Second, provide defendants with access to DNA testing. If science has given us the ability to know with certainty whether a person is innocent or

guilty, I want that evidence known before a person is executed, no matter what stage, no matter how many trials, no matter how many appeals. I want to know before execution whether that DNA evidence has been made available. States are doing it, and this Government should do it, too.

I am a cosponsor of the Innocence Protection Act that was introduced by my distinguished colleague, Senator LEAHY of Vermont, to ensure that DNA evidence is provided, and I urge the Senate to consider it.

I recognize that all of my colleagues may not support the death penalty as I have supported it and continue to support it, but as a matter of conscience, in fidelity with our founding principles, in a belief in all of our sense of fairness and equal protection before the law, for the reputation of our country, for confidence in our system of justice no matter how we may divide on the question of the death penalty, surely on this we can be of one voice and clearly we can demand no less.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

ENDING THE 106TH CONGRESS

Mr. GRAMM. Mr. President, today I want to talk about a series of issues that are related to the final things with which we have to deal in ending this Congress. It is not a long list, but it is a list of things that are important. I hope my colleagues will indulge me while I talk about these issues.

I read this morning in the New York Times, under the headline "Leaders in Congress Agree to Debt Relief for Poor Nations," that an agreement has been worked out on debt relief. I want to make it clear that I am not part of any such agreement. I hope an agreement will be worked out, and I would like to be part of an agreement. But I am not part of any agreement today.

It is important, since so much has been said and written on this issue, that someone on the other side stand up and explain what this issue is about, why it is important, and why people all over America ought to be concerned about it and be concerned that it be done right.

I remind my colleagues and those who might be listening to this discussion that routinely in America people borrow money and are required to repay it. Where I am from, College Station, TX, it is a pretty hard sell to talk about forgiving billions of dollars of debt to countries that borrowed money from us and, in too many cases, simply squandered or stole it, and now they do not want to repay it. They riot, they protest, they demand, but those things do not work in College Station, TX. In College Station, TX, when you borrow money from the bank or finance company or from your brother-in-law, you are expected to pay it back.

Let me make it clear that I am not here to make the most negative case that can be made about debt forgiveness. The flip side of the coin is that

many of these countries are desperately poor, and much of this debt can never be repaid. So the debate I want to engage in today is not against debt relief, as hard a sell as that is back home—and I am willing to make that sale or try to—but I am not willing to support debt relief unless we are going to have some reforms to assure that the money is not wasted.

I remind my colleagues, while we talk about debt relief, we are actually appropriating over \$450 million because we are paying off this debt. Our money was lent and was largely squandered, and now it is going to be used to pay off this debt.

So, I am concerned because of the lack of accountability in how the money is being spent. Any Member of Congress knows this is an issue in which a great deal of interest has been taken.

I had a group of holy people come to my office the other day to lobby for this debt forgiveness. I do not think since Constantine the Great called his ecumenical council in Nicaea has there been a larger gathering of holy people in one place than the people who came to see me about supporting debt forgiveness.

And let me quickly add that everybody who came was well intentioned. Their hearts were in the right place. But the problem is not with our hearts; the problem is with our heads. Obviously, in this 2000th year of Christianity—this 2000th year of the birth of Christ—there is a movement all over the world to try to help the poor. But the question is, In forgiving this debt, are we really assuring that the money that we are giving is getting through to the people we are trying to help? And I think that is basically where the problem lies.

Let me now talk about a couple of examples that illustrates this problem. I want to read from four newspaper articles that outline a story, in my opinion, of how this debt forgiveness is abused and how our taxpayer ends up holding the bag.

The first story is from Africa News, July 23, 2000, and is from Kampala, Uganda—one of the initial countries targeted for debt relief.

In March Parliament there approved the direct procurement of a new 12-seat presidential Gulf Stream GIV Special Performance SP jet at a cost of \$31.5 million. Aviation experts said that the final cost of the plane could well be \$47 million.

The current presidential jet is a 9-seater Gulf Stream III acquired just a few years ago.

Now, from the August 2, 2000, issue of the Financial Times in London, I quote:

The Group of Seven leading industrialized countries is pressing the Organization for Economic Cooperation and Development to stop export credits being used to help poor countries buy arms and other “nonproductive” items.

Although the OECD cannot impose binding rules, the U.S. and Britain, leaders of the G7 initiative, believe “naming and shaming”

dubious policies could create pressure to get them changed and prevent poor countries from squandering debt relief.

This article is from August 2, and on July 23 we learned that the Ugandan President has bought a new \$47 million plane for his use. And we are naming and shaming, along with the British in the Financial Times.

And now on September 13, 2000, in Africa News, Kampala:

The Paris Club of creditor countries yesterday cancelled \$145 million of Uganda's debt under the Highly Indebted Poor Countries (HIPC) initiative.

Tuesday's Paris Club announcement brings Uganda's total debt relief from the lending countries so far to \$656 million. Uganda has also received \$1.3 billion debt relief pledges from the IMF and World Bank in debt relief over the next 25 years.

So on July 23, which turns out to be the day that debt forgiveness was announced for Uganda, the President of Uganda buys himself a new \$47 million luxury jet. And on August 2 we are naming and shaming people who are abusing debt forgiveness dollars that come from American taxpayers. And then on September 13 it is announced that we have forgiven this debt, raising the total to \$656 million for Uganda, the same country whose President on the day the debt forgiveness package was announced ordered a \$47 million jet.

Now, the final quote on this point is from the Wall Street Journal, dated October 12, 2000:

On the day that Uganda qualified for debt forgiveness under the Clinton initiative, the president of that struggling African nation signed a \$32 million lease-purchase agreement for a brand-new Gulf Stream jet.

It goes on to say that we have been assured by the administration that he got a pretty good buy on the jet.

Now, I ask my colleagues, when we are talking about this debt forgiveness, should we be forgiving debt with the idea that it is going to help poor people in Uganda when the President of Uganda, on the day the debt relief is announced, buys a \$47 million jet? Maybe you can go to College Station and sell that, but I cannot. And I am not going to.

Let me go to the next point. All of the people who have written or called me, launched letters and sent calls and prayers and e-mails on this issue, say: We are trying to help people in these poor countries; don't stand in the way; forgive this debt, which I remind my colleagues means appropriating money to pay off the debt on their behalf.

The next country I want to talk about is Chad. This is a country that is next on the list to receive debt forgiveness. The argument is that by forgiving Chad's debt, we are going to help poor people who live there. But let me read from this year's U.S. State Department “Report on Human Rights Violations” in Chad, a country that the administration is pressuring us to appropriate tax money for so he can forgive their debt. This is from the State Department issued under the name of the Sec-

retary of State, who was appointed by President Clinton, not by me. This is what she says about Chad, a country on the list of countries that would receive debt forgiveness if we provide this \$450 million. I quote:

The security forces—

This is in Chad—

continue to commit serious human rights abuses. State security forces continue to commit extrajudicial killings. They torture, beat, abuse and rape.

Now, I ask my colleagues—and I ask public opinion—does it make sense for us to appropriate \$450 million to forgive debt to a country when our own State Department, headed by the Secretary appointed by the same President who champions this debt forgiveness, tells us, “State security forces continue to commit extrajudicial killings; they torture, beat, abuse, and rape”?

Maybe you can go to College Station or Little Rock or Jackson Hole, WY, and sell that. I cannot.

What we are facing is this: Based on good intentions, we want to forgive this debt, but what happens when there is clear and convincing evidence that the proceeds of the debt forgiveness are going to buy luxury jets for Government officials? And in Chad, remember that the ordinary citizens there did not borrow this money, this was a loan to the Government. So are we going to forgive debts to a government that, according to our very own State Department, continues to murder, brutalize, and rape its own people? I don't think so.

Having said all of that, what is the solution to this problem? It seems to me that if this administration is serious about doing something other than what it believes will be good politics in this election, or something that will make us all feel good—forgiving all of this debt—what we have to do is try to replicate what happens in every American family when people have financial problems.

So, what happens in Arkansas, Texas or anywhere in America, when the bill collector comes knocking at the door? What happens is that families get together around the kitchen table, they get out a pencil and try to figure out on the back of an envelope how much they are making and how much they are spending. They get out their credit cards, they get out the butcher knife, and they cut up their credit cards, and they try to reorganize. They change their habits and their behavior.

It seems to me, when we are talking about forgiving billions of dollars of debt to governments—these loans were made to governments, not to people—when we are forgiving that debt, we have a right—in fact, I would say an obligation—to see that that debt forgiveness benefits the people who live in that country. These countries are not poor because of this debt. They are poor because they have oppressive governments, because they have economic policies that do not work, because they are denied freedom. The sad story is



that if we forgive this debt, and we do not demand real reforms, nothing will change. This great opportunity to do something good for poor people in the world will be lost.

In trying to work with the administration—and I would have to say that, in theory, there is a lot of agreement with the administration—but when it comes time to put the requirements into place, that is where we cannot seem to work this issue out. The administration does not contradict its own State Department report on rampant human rights abuses. But when we're trying to set requirements for getting this debt forgiveness, that is where the administration says no.

I have tried to reduce the requirements that I think the conscience of the Senate should require to some very simple things. And I just ask people who might be listening to what I am saying to ask yourself: Are these unreasonable requirements in return for billions of dollars of taxpayer money?

Let me remind my colleagues, I know there is a drunkenness that has come from this big surplus. Never in my political career have I seen money squandered as it is in our Government this very minute, even as I am speaking right now. It is frightening to me. But even in this moment of a huge surplus, surely everybody realizes and remembers that, for every dollar we get, every dollar we spend, somebody worked hard to earn that money.

I believe that money ought to be respected. So in return for billions of dollars of the American taxpayers' money, here are the conditions to which I have asked the administration to agree.

No. 1, we cannot forgive debt for a country that we find in our most recent human rights evaluation engages in a gross violation of human rights against its own people. In other words, what we would say to the government of Chad is: If you want this debt forgiven, then you have to quit killing, abusing, and raping your people. And if you do not do that, we are not going to forgive the debt. That is condition No. 1.

I do not view that as unreasonable. Quite frankly, I would be ashamed to have my name affixed on a voting list to the forgiveness of this debt if we gave it to murderers, thugs, and rapists.

The second condition has to do with the fact that these countries are poor because they are basically practicing socialism. They deny property rights and economic freedom, and, as a result, they are poor.

We sometimes get the idea that because socialism does not work economically, that it is dying. But socialism works politically, which is why it is alive all over the world and why it is debated in Washington, DC.

Now, here are three economic conditions that, at a minimum, I believe we need. First of all, if countries are going to take our money, they should be required to open their markets to meet

the requirements of the World Trade Organization so that we have an opportunity to sell American goods in their economy, and so that their workers have a right to buy goods competitively, instead of being forced to buy expensive, inferior goods from a government-run monopoly.

We have one of the most open economies in the world. We are the richest, freest, happiest people in this world. Asking those who are getting debt relief to do something that will help them is, I think, something that is required. It is something that must be done.

Secondly, they would be required to set up a series of benchmarks, not just on opening up their economy, but also in those countries where government dominates the market, where huge numbers of people work for the government, and, in essence, the government runs everything, we would require, in return for the loan forgiveness, that they set up benchmarks for phasing out subsidies to these government-run enterprises.

The third requirement is simply that in printing their financial and government records on how much money they are spending, how much they are taking in in taxes, how much they are borrowing, that we have transparency so that we and investors can know what is going on in the country and so that we can see whether they are taking actions that will actually improve the life of their people. And that would include transparency in their financial institutions and their banks.

What this would say is, we do not forgive money until these conditions are in place. And if at any point along the way countries do not live up to these commitments, then we stop the debt forgiveness.

Some people think these are outrageous conditions. But I just simply go back to College Station. When you have a line of credit with a bank, and you have told them you are using this line of credit to invest in your restaurant, and it turns out you bought a car for private use, they cut off your line of credit. When you do not tell the truth, you end up losing your line of credit.

So I just want to urge, publicly, the administration to help Congress put together a program that will take this debt forgiveness and put it to work to help ordinary working people. If we do not do something like this, we are going to end up seeing this money spent on jet planes for government leaders; we are going to see the benefits of debt forgiveness go to the leadership elite; and 10 or 15 years from now, when these same countries have the same debt crisis, we will have someone like President Clinton who will be arguing that we could just fix all this if we just forgive this debt.

I am willing to go along with the debt forgiveness. I am willing to go home and try to explain to people why these governments are treated better

than citizens here are treated if I know the money is not going to be squandered or stolen or used to abuse the very people we are trying to help. But I intend to fight—and fight hard—to see that we do not take billions of dollars from American taxpayers to give to buy fancy airplanes for government officials, and that we do not use it to basically subsidize corruption and the abuse of the very people we are trying to help.

#### AMNESTY

Mr. GRAMM. Mr. President, a second topic I rise to talk briefly about is the issue of amnesty. The White House sent a letter dated October 12, 2000 to Congress which in many ways is one of the most extraordinary letters I have ever seen a President send to Congress. This letter, basically says the President will veto the Commerce-Justice-State appropriations bill unless we grant amnesty to people who have violated our laws by coming to this country illegally. In other words, the President is threatening that he will veto a bill that funds DEA—the Drug Enforcement Administration—the FBI, the Federal prison system, our system of criminal and civil justice, he will veto that bill unless we in Congress grant amnesty to people who have broken the law by coming to the United States of America illegally.

It is one thing for the President, functioning under the Constitution, to say: You have your idea about how much money should be spent. I have my idea. I don't think you are spending enough. That is what the President is saying every day. The President is threatening to veto appropriation after appropriation because he doesn't think we are spending enough. We are spending faster than we have ever spent since Lyndon Johnson was President of the United States, yet we are not spending enough money to suit President Clinton.

You can argue that he is wrong, that it is dangerous, that one of the reasons the stock market is in shock today is this runaway Federal spending that endangers our economy and our prosperity, but it is a legitimate issue to be debating on an appropriations bill, how much money we spend.

The President just happens to be wrong—dangerously wrong, in my opinion—and I am not going to support him. But that is one thing.

But to say that unless we pass a law that has nothing to do with spending money, that forgives lawbreakers who came into this country illegally, he is going to veto a bill that funds the FBI, the DEA, and the criminal justice system is an outrageous assertion of Presidential power. Our President has been so successful in manipulating the Congress, he has forgotten that we have a separation of powers in America. He is going to get reminded in this debate.

I don't want to get too deeply into the amnesty issue, but I will say a couple things about it. First of all, as the Presiding Officer knows, as anyone in



the Senate knows, if there has been one Member who has been a champion of legal immigration, it is I. I have stood on the floor many times arguing for letting people with a desire to work hard, with talent, genius, creativity, and big dreams into America and to let them come legally. I am proud of the fact that my wife's grandfather came to America as an indentured laborer to work in the sugarcane fields in Hawaii.

I have spoken previously on this issue at great length. One of the most successful employees I ever had was a young man named Rohit Kumar. The Senate was debating an increase in the quota for legal immigration, if I remember correctly. I talked about the Kumars. His daddy is a research doctor. His mama is a physician. His uncle is an engineer, an architect. The point I made was, America needs more Kumars.

I am sure when you are talking about amnesty, there are going to be those who will say this has something to do with being against foreigners. Well, I don't believe America is full. I was the cosponsor of the H-1B program that will let 200,000 highly skilled technical people—most of them in graduate school in America right now, being funded by our taxpayers—stay temporarily to help us keep the economy strong. But I draw the line on illegal immigration. I draw the line when it comes to breaking the laws of this country.

I believe if we keep granting amnesty to people who came to the country illegally, we are in essence putting up a neon sign on all of our borders saying: Violate our law; come into the country illegally. Then we will later pass laws making it all right and you will be able to stay.

I am not for that. I am adamantly opposed to it. Millions of people today are on waiting lists to come to America legally. They are often the wives or husbands of people who have come here and become permanent resident aliens. I am in favor of family unification where someone has come here, they are self-sustaining, they haven't received public assistance within a year, and they show the financial ability to take care of their spouse and children. I say let them come to America. But I draw the line on illegal immigration.

We have somewhere between 5 and 7 million people who have come to America illegally. When we passed the immigration bill in 1986, we granted amnesty to people who were here illegally. That was supposed to be it. Yet now the Clinton administration says they are going to shut down the DEA and FBI and the criminal justice system unless we grant amnesty to more people. We are getting this sort of bait and switch, for which the administration is famous.

I am sure you have heard the argument. There is a claim that there were some aliens here in 1986 who claim they were unfairly denied amnesty and we should now go back and let them qual-

ify. These are the facts: Most didn't qualify for amnesty because the original law, which was going to be the first and last amnesty ever granted to lawbreakers in American history—that was the commitment made here on the floor of the Senate—was for people who could document that they resided here prior to 1982. Now the Clinton administration is saying there were people here when we passed amnesty, who did not get amnesty, and that is unfair, and let's do it for everyone here prior to 1986. I suppose then we can do it up to 1996. We can do this rolling amnesty which, again, simply puts a neon sign along our border which says: Violate America's law; come here illegally.

I don't know what the President is going to do. Maybe he is going to veto Commerce-Justice-State. Maybe he is going to try to shut down the DEA and the FBI, and maybe he is going to try to find somebody to blame. Let me give him a name: PHIL GRAMM.

It may well be that the President can pass this amnesty provision. It may very well be that he has the political power to force us to grant amnesty to lawbreakers in return for funding Commerce-State-Justice. I want to go on record here and say, I will not make it easy. Any conference report that comes up that has amnesty in it, I am going to offer motions to postpone, to delay, and attempt to force cloture. That is going to take 3 days. Then we are going to have 30 hours of debate, which is going to take another day and a half. Then you are going to do cloture on the conference report itself, and that is going to take another 3 days. Then we are going to have 30 hours of debate on that conference report which is going to take another day.

Bill Clinton is the one moving to New York or Arkansas—I guess the location to be determined by the outcome of the election. I am not going anywhere. I am going to be here next year. Amnesty may pass. We may basically say: Forget about American laws. You come here, violate them; we will just forget it. But it is not going to pass without determined resistance.

I want my colleagues to know that when we are sitting here on election day and there is an effort to pass amnesty, it is not as if people hadn't been told that this was going to be resisted. This is profoundly wrong. This is dangerous for the future of our country. It needs to be stopped.

#### MEDICARE GIVE-BACK

Mr. GRAMM. Mr. President, I had the responsibility in working with the distinguished chairman of the Finance Committee to try to work out our differences with the House on the Medicare give-back.

We passed a bill in 1997 that was aimed at trying to balance the budget and trying to save Medicare. We succeeded in balancing the budget. We have been in the process since that day of trying to undo everything we did. We have put together a package that costs over \$27 billion in Medicare give-

backs. About half the package is totally deserved and desperately needed. About half the package in my opinion—I am speaking just for myself—represents things that are bad public policy, and it is being done for one simple reason: We have the money. Why not spend it?

I am not going to go down a long list. But let me give you one example—bad debt forgiveness.

Believe it or not, this bill has a provision that says to hospitals, if you don't collect your bad debt—remember, Medicaid pays for health care for poor people. We have two provisions of Medicare that provide taxpayer assistance above Medicaid for very marginal income people who are not poor but they have difficulty paying their bills.

When we are talking about bad debt, we are talking about bad-debt incurred by people who didn't qualify for Medicaid.

We have a provision in this bill where the taxpayer will simply come in and pick up 70 percent-plus of bad debt costs for hospitals. Collecting debt is difficult. Ask any retail merchant, or ask anybody who is in business in America. They will tell you it is hard to collect debt.

What do you think is going to happen when the taxpayer pays 70 percent of the debt that hospitals don't want to collect and that people do not want to pay? They are going to stop collecting. People are going to stop paying, and the taxpayer is going to pay.

To get to the bottom line on this issue, the President says: Look, you didn't spend enough money on the things I wanted it spent on, and I am going to veto this \$27 billion give-back.

I hope the President does veto it. I think about half of it is justified. I think we could have done it for \$15 billion, and could have done a reasonably good job.

But my own view is that if the President vetoes it—we are just moments now from an election. We are going to have a new President. My suggestion is, if the President vetoes this bill, that we simply wait until January for a new President—hopefully, someone who will be more responsible than this President—and we will take a very serious look at Medicare.

In this bill, with spending of \$27 billion, we could not find one penny of savings to put in the bill. There is not one thing currently being done in America in health care, including a new scam by States where they simply overcharge the Federal Government and pocket part of the difference—we could not find one thing on which we could save money. I find that difficult to sell.

Finally, there was an article in today's Washington Post by David Broder. I don't always agree with David Broder, but I always think about what he has to say. I guess if you want to define a serious commentator and set it out in a column, you would have to put David Broder's name at the top

of that list. You may not like what he says about you. You may not like what he says about your view. But he doesn't say anything that he doesn't think about. I admire that.

He points out today in an article that says "So Long, Surplus" that we are currently—this year—on the verge of spending \$100 billion more than we said we would spend this year when we adopted the much touted Balanced Budget Act in 1997, which Bill Clinton signed. This wasn't just Congress, this was Congress and the President. We are on the verge of spending \$100 billion this year more than we said we were going to spend.

I just want to say that someday people are going to ask: What happened to this surplus? They are going to ask: Why didn't we rebuild Medicare? Why didn't we rebuild Social Security by putting real assets into Social Security—not taking anything out of Social Security but putting real assets into Social Security—by taking this money and investing it in stocks, bonds, and real assets so we have something to pay benefits with in the future?

Someday someone is going to ask: What happened to that surplus? Why couldn't we, when tax rates were at the highest level in American history, have some tax relief for working families? Why did we have to keep forcing people to sell the farm or business in order to pay the Government a death tax? Why did we have to tax marriage and love in the marriage tax penalty?

Someday somebody is going to ask those questions. I just want to be on record saying I think it is outrageous that we are doing this. I think we need to stop doing this.

I read in the paper where the President said he is like the Buddha. He is like Buddha. He just sits and waits and waits, and Congress wants to go home, and the only way they are going to go home is to spend all of this money.

I repeat that I am not going anywhere. President Clinton's number of days as President is now short.

My point is that we have a right to say no. We have a right to say in education when we have spent every penny the President said he wanted but we want to let States decide how to spend the money—we want to give them the same money, but we want them to decide how to spend it, and President Clinton says: No. I am going to veto your bill because I want to tell States how to spend it.

I think we have an obligation to say no. If people need schools, they can take the money and build schools. If they need more teachers, they can take the money and hire more teachers. But if they need other things, they can take the money and do that, because they know their needs better than Bill Clinton.

But that is not what the President wants. We spent every penny he asked for—too much money, in my opinion. But he said he is going to veto that bill because we give the States the ability

to decide what they need to spend the money on.

My answer to that is, let him veto it, and then we can pass a continuing resolution. Let's have an election. If people want to spend this surplus, if they want to spend it on program after program after program, if they want more government and less freedom, they know how to vote in this election. If you want the Government to spend more, and if you want this surplus to be spent on government programs, you know how to vote.

But we ought not to let Bill Clinton spend the money before the American people vote for more spending. First, I don't think they are going to do it; but, second, that is what elections are about.

I think we have to quit kowtowing to the President. If he wants to force us to stay here and pass these bills day after day after day, if I were running for reelection and were in a close race, I would go home and campaign. But for the 60-some-plus of us who are not up for reelection, let's just stay here in town. And if the President suddenly becomes reasonable, we will reach an agreement. But if he is going to play Buddha, to quote him, and sit there and see if it will work one more time—that is, if by threatening to hold us in session he can get us to spend more money than our budget and more money than his budget—he wants to see if it will work one more time, I want to say no. I think the American people would rejoice in it.

I am hopeful my fellow colleagues will come to the conclusion that the President is asking too high a price to see this session of Congress end. Too much money. Too much change in permanent law that does not represent the will of the American people. I think we need to say no. The sooner we say no, the sooner the President will come to his senses. And he will for a simple reason: He is not holding a strong hand here. He is the one moving off. We are not moving anywhere.

I think we can come to a compromise with the President, but I think we ought to be tired of being run over. I say we should not spend more money simply to get out of town. To do that would basically betray everything we claim to believe in and betrays the people who are going to pay our salary, whether we are in town or not.

I thank my colleagues for their indulgence, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Wyoming.

MR. THOMAS. I ask unanimous consent to speak in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

#### CLEAR CHOICES

MR. THOMAS. Mr. President, I certainly join my friend from Texas. He spells out some things that are quite clear but obviously are not talked about very much.

I was listening earlier to my friend from North Dakota, who talked about

the differences between the parties, between the Presidential candidates. Certainly there are differences. They talk about them being the same; they are not the same. I think there are some very clear philosophical choices to make.

Of course, that is why we are here. There is nothing unusual about having different points of view. Those points of view are very clear. Often we get involved in details and get bogged down in the choices in terms of direction and where we want to go, in terms of where we want the country to be in 10, 20, 50 years. That gets lost. They are the most important issues that we have.

One of them, in general terms is, what is the role of the Federal Government? How extensively does the Federal Government get involved in all the activities in our lives? What is the role of local government? Of course, most important is the role you and I, as individuals, have experienced over the past decade.

For nearly a decade, the idea was that whatever the problem was, it was up to the Federal Government to resolve it. Of course, much of that comes from politics. That is a great way to get votes. There is a saying: You can teach a person to fish and they always have a fish; give them a fish and you will always have his vote. That is the political aspect.

There are some great differences: whether we have higher taxes; whether we have less taxes; what we do with the surplus that exists now. I think one of the real key issues is the division of authority, the division of responsibility between local governments and the Federal Government, State governments, county governments. These are the issues I believe are extremely important. This is, after all, a "United" States, a union of States, that each constitutionally has some very clear responsibilities.

One of the issues that has been most interesting, and as the Senator from Texas pointed out, has caused us to have a slower resolve in this Congress than usual, is the idea that there will be a surplus, a \$5 trillion surplus over the next 10 years, \$1.8 of that being non-Social Security.

There are several plans. One is to clearly put the Social Security money in the Social Security lockbox so it is used for Social Security, so that people who look forward to benefits, particularly young people, will have some feeling that there will be benefits; they are entitled to those benefits. Of course, as the demographics change—and they do change very much. I think originally there were 20 people working for every one drawing benefits, and now it is three working for every one drawing benefits—there will have to be changes in Social Security.

There are proposals for raising taxes. That is unpopular and not a good idea, in my view. There is some talk about reducing benefits. Again, I don't think that is the solution. One view is to give

an opportunity, a choice, particularly for young people, to have an opportunity to put a portion of the money they pay into their own account, to have it invested for the private sector and increase their return. Over a period of time, an increase in return from 2½ percent to 5½ percent is very significant. That is one view.

The opposite view is, no, we don't want to touch that. We are not going to touch Social Security. We don't want to change it. At the same time, we have had seven votes here about a lockbox and we have had resistance each time. There is a great deal of discussion and debate about philosophical differences in the approach.

We heard the candidates talk last night for the third time. Clearly, one point of view is to have a government health care program for everyone. I don't happen to agree with that. I think we talked about that. We tried to do that early on. We have seen the difficulties. So we ought to find an alternative solution. The alternative is to give people two choices to ensure health care, those particularly who cannot afford it. Those who want to have some choices are going to pay for them.

Similarly, with pharmaceuticals, an issue is to put it on every Medicare program, whether people really want it, whether people can afford it, as opposed to choices. There are real differences.

Taxes: Of course, we talked a great deal and will continue to talk about the idea of tax reduction, whether spending ought to be what we do with the surplus, which is basically the point of view of AL GORE—the largest spending since Lyndon Johnson and his proposals—or, on the other hand, we ought to take a look at being sure we fund and finance those things that are there. We do education; we do Medicare; we do pharmaceuticals. When we are through with that, there will still be substantial amounts of money. It ought to go back to the people; it belongs to them; they paid in the money. We hear talk about it going to 1 percent of the population. The fact is, the 1 percent would be paying a higher percentage of the total taxes than they are now. I don't think there is much of an argument that people are entitled to some return.

The marriage penalty tax: Why should two married people pay more taxes, earning the same amount of money as when they were single, collectively? That is wrong. It was vetoed.

Estate tax: People spend their lives putting together estates, farms, ranches, businesses. It is not a question of not paying taxes. Capital gains taxes are paid on the increased value of those estates. But the idea that death should trigger a 52-percent tax on an estate that is already being taxed is a choice.

Those are different directions we take. I certainly agree with the idea that there are choices and there will be choices in this election, whether it be

the Presidential election, whether it be the congressional election. And I hope each of us, as we exercise our responsibility as citizens in a government of the people and for the people and by the people, will take a look at those choices. Often it is difficult when we get off on a very specific issue and overlook the general direction and philosophy we want to take. That, it seems to me, is one of the most important things we have before the Senate.

I hope we can move forward and do our work. We have an obligation to do that and do it as quickly as we can. Certainly we want to stay here until we have completed the work in the manner in which we think it should be completed. The idea that we continue to stall, will continue to hold up appropriations bills so they can be joined with things that are unrelated, seems wrong to me.

I hope we move forward. More than anything as we move through this very important election cycle, I hope each of us takes a look at the direction we believe we should move toward. Should we have more Federal Government, more spending, more taxes? Should we have a Federal Government that deals with those essential items and funds them properly, reduces taxes so we don't have excess amounts of money here, returns to local and State governments the kinds of responsibilities they have and, more importantly than that, returns to individuals the choices they can make in their lives and avoid having the Federal Government become the decisionmaker for each of them.

Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. AL LARD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NUCLEAR ARMS REDUCTION

Mr. DORGAN. Mr. President, as we near the end of this Congress, one of the profound disappointments for me and for a number of others serving in the Senate is the inattention paid to the issue of arms control, especially the issue of nuclear arms reduction.

As we debate a range of public policy issues in this country during the campaigns for the House and the Senate and the Presidency, we will hear a lot about health care, education, taxes, and economic growth, but we hear almost nothing about the issue of nuclear arms reduction.

It is important to understand what kind of nuclear weapons exist in our world and why nuclear arms reductions

are important for us, our children, and our future.

The nuclear arsenal in this world totals about 32,000 nuclear weapons—32,000 nuclear weapons. The Russians have about 20,000 of them, many of them tactical nuclear weapons, some strategic. The United States has about 10,500 nuclear weapons. France, China, Israel, the United Kingdom, India, Pakistan also have nuclear weapons. We know India and Pakistan have a few nuclear weapons because they have exploded those nuclear weapons right under each other's chin by their borders. These are countries that do not like each other, and they have tested nuclear weapons recently, much to the consternation of the rest of the world.

We have a nuclear arsenal in this world that is frightening. What does this mean, 32,000 nuclear weapons? Let me put it in some perspective. The bomb that was dropped on Hiroshima killed 100,000 people. The bomb was named "Little Boy." It was 15 kilotons. It was 6,500 times more effective and more efficient, as they say—only people who are involved in this could use that word, I suppose—than ordinary high-explosive bombs.

The amount of nuclear weapons that exist today in this world is equivalent to 1 million Hiroshima bombs. Think of that. The bomb that was dropped on Hiroshima killed 100,000 people. We have the equivalent of 1 million of those bombs among the countries that possess nuclear weapons.

It is hard for anyone to understand fully what this means. The world's nuclear arsenal today has a total yield of about 15 billion tons of TNT. That is equivalent to the power of 1 million Hiroshima-type bombs.

This Congress has done very little on the issue of arms control and arms reduction. It took a giant step backward, in my judgment, in the debate over the Comprehensive Nuclear Test-Ban Treaty. A little over one year ago, on October 13, 1999, this Senate rejected ratification of the Comprehensive Nuclear Test-Ban Treaty. The Senate did not hold hearings for 2 years on that issue. Then there were 2 days of hearings cobbled together quickly, and then the Comprehensive Nuclear Test-Ban Treaty was brought before the Senate. There were 2½ days of floor debate, and then it was defeated.

I guess it was defeated by those who say they do not want us involved in the Comprehensive Nuclear Test-Ban Treaty. However, 160 other countries have already signed the treaty. It was interesting. Just before the vote a year ago, Mr. Blair, Mr. Chirac, and Mr. Schroeder from England, France, and Germany, wrote the following in an op-ed piece that was rather unprecedented, published in the Washington Post:

Failure to ratify the CTBT will be a failure in our struggle against proliferation. The stabilizing effect of the Non-Proliferation Treaty . . . would be undermined. Disarmament negotiations would suffer.

This is from three of our closest allies. Their point was we have this

struggle to stop the proliferation of nuclear weapons. Who else will gain possession of nuclear weapons? Many want them. Can we stop the spread of nuclear weapons and stop the spread of delivery vehicles for those nuclear weapons? It is a question this Congress needs to answer. Regrettably, when it voted on the Comprehensive Nuclear Test-Ban Treaty, it answered no; that is not the priority.

I wonder how many of our colleagues are aware of an incident that occurred December 3, 1997, in the dark hours of the early morning in the Barents Sea off the coast of Norway. That morning of December 3, 1997, several Russian ballistic missile submarines surfaced in the cold water and prepared to fire SS-20 missiles. SS-20 missiles have the capability of carrying 10 nuclear warheads. They travel 5,000 miles—far enough to reach the United States from the Barents Sea.

On that morning, those Russian submarines surfaced and launched 20 ballistic missiles. Roaring skyward, they rose to 30,000 feet. They were tracked by our space command in NORAD, and at 30,000 feet, all of those Russian missiles exploded.

Why did those Russian missiles explode? Those missiles did not have nuclear warheads on them. Those missiles were not part of a Russian missile attack on the United States. In fact, seven American weapons inspectors were there, watching from a ship a few miles away as the Russian missiles were launched. These self-destruct launches were a quick and a cheap way for the Russians to destroy submarine-launched missiles that they were required to destroy under the START I arms control treaty they have with the United States.

What an interesting thing to see, the firing of missiles to destroy them—no, not to terrorize or attack an enemy, but to destroy the missiles because arms control agreements require that the missiles be destroyed.

With consent, I hold up a piece of metal that comes from a Backfire bomber. This is from a wing strut on an old Soviet Union—now Russian—bomber called the Backfire bomber. This bomber would fly in this world carrying nuclear weapons from the cold war with the United States, threatening our country. How would I have the piece of a wing strut of a Russian Backfire bomber? Did we shoot it down? No, we did not shoot this bomber down. I would like to show a picture of what we did with this bomber. This is the Backfire bomber. As you can see, we cut it in half. Why are we cutting up Russian bombers? Because our arms control agreements require a reduction in nuclear arms and vehicles to deliver nuclear weapons.

I have here ground up copper wire from a Typhoon Russian submarine. This used to be wiring on a Russian submarine that would stealthily move under the waters of this world with missiles and multiple warheads, nu-

clear warheads aimed at the United States of America. How is it that I hold in my hand copper wire from a Typhoon-class Russian submarine? Did we sink that submarine? Did we attack it and sink it and destroy it? No. What happened to the Typhoon submarine was it was brought to a shipyard, under the arms control agreement, and it was chopped up. I do not have a picture of what was left of it when this was brought to drydock and destroyed, but the fact is we cut these weapons systems up as part of our arms control agreements.

This is what the submarine looks like in drydock as it is being destroyed.

In the Ukraine, there is a little spot where you can travel and see some sunflowers growing. Do you know what used to be where the sunflowers now exist? A Russian missile with multiple nuclear warheads aimed at the United States of America. The missile is now gone. Under arms control agreements, it was pulled out and destroyed because our agreements with the Russians require that to happen. Where there was once a missile aimed at the United States of America, there is now a field of sunflowers. What a wonderful metaphor for progress.

I raise all these issues simply to say we have made significant progress in arms control and arms reduction, but not nearly as much as we must. Here is a chart of some of the examples of what we have done: 5,314 nuclear warheads have been removed, 507 ICBMs, 65 silos, 15 ballistic missile submarines, and 62 heavy long range bombers are gone—because we, through what is called the Nunn-Lugar program, have provided taxpayer funding to destroy the weapons that existed in the old Soviet Union, and now in Russia, to say, in concert with our agreements, we will reduce nuclear weapons. We have reduced nuclear weapons and they have reduced nuclear weapons. It makes a lot more sense to destroy these airplanes, missiles and warheads before they are used in hostile actions. It makes a lot more sense to destroy them by arms control agreements and arms reduction agreements. That is exactly what has been happening.

Going back to the chart I put up, despite all the progress and all the reductions in nuclear arms, here is what is left. It is troublesome because there are a lot of countries that want to get into these arsenals, especially this one. There are a lot of countries, a lot of people, a lot of terrorist groups that want to grab hold of a nuclear weapon here or there, and have nuclear capability for themselves. That is very dangerous. That makes for a very dangerous world and a very dangerous future.

Some days ago we witnessed a cowardly terrorist act of a couple of people in a boat, pulling up by the side of an American Navy ship, the U.S.S. *Cole*, creating an explosion that took the life of many of our young sailors who were serving their country. I indicated be-

fore, I send my thoughts and prayers to all of those families who are now grieving the loss of their loved ones. They should know the service and dedication of their loved ones in serving this country is something a grateful nation will never forget.

But it is a dangerous world. The attack on the *Cole* reminds us again that there are those who want to commit acts of terrorism. It is a dangerous world. What if that small boat had contained a nuclear weapon? Don't you think those terrorists would love to get their hands on a nuclear weapon? Of course they would.

There are many countries that do not yet have the capability of building nuclear weapons that desperately want it. They are struggling, even now, to try to get their hands on the arsenal, and on the mechanics and capabilities of making a nuclear weapon. We must understand how dangerous it will be for our future and for our children if we do not make arms reduction, and the development of new agreements and new treaties to stop the proliferation of nuclear weapons job No. 1; we must understand how dangerous that is for our future.

This Congress, as I indicated, decided it would not support the Comprehensive Nuclear Test-Ban Treaty. Lord only knows why they would make that decision. It is beyond me. The test ban treaty has formally been ratified by 66 states, signed by 160 states. The major holdouts, incidentally, are the U.S., China, India, Pakistan, and North Korea. Six countries have signed the Comprehensive Nuclear Test-Ban Treaty and 14 have ratified it since our vote to turn it down last October. All of the NATO states, all of our NATO allies, have ratified the Comprehensive Nuclear Test-Ban Treaty except the United States.

We are told by the critics that we not only should threaten our arms reduction agreements, including START I and START II, and the prospect of a Start III, we should also threaten all our arms control agreements—including the anti-ballistic missile agreement, which is so important, the center pole of the tent on arms reduction—we should threaten all of those for the sake of building a national missile defense program. We should threaten all of those for the sake of defeating the Comprehensive Nuclear Test-Ban Treaty.

It is interesting that this country has already decided of its own volition we will not test nuclear weapons. We decided 7 years ago we would not test nuclear weapons. So we have unilaterally said we will not test nuclear weapons, but we are then the country that says we will refuse to ratify the Comprehensive Nuclear Test-Ban Treaty. That is not a step forward; that is a huge step backwards.

I cannot describe my disappointment at a Congress that turns down the Comprehensive Nuclear Test-Ban Treaty and the responsibility that should

come with this country considering the nuclear weapons it has. I cannot describe how profound my disappointment is. We have a responsibility to provide leadership. It is our responsibility. We are the world's leader in this area. We must say that we and our allies and all other countries must work every day, all day, to make sure the spread of nuclear weapons stops; to make sure those who want to achieve the capability of making nuclear weapons will not be able to achieve that capability. We must do that. That is our responsibility. It is on our watch.

We have a Senate that turns down a Comprehensive Nuclear Test-Ban Treaty but says: Let us build a national missile defense no matter what it costs; let's build a national missile defense system no matter what its consequences to our relationship with others in the nuclear club; let's build a national missile defense system no matter what it does to our arms control agreements. Build it, just build it; all the other things are irrelevant, they say.

I disagree with that. We have a lot of threats to which this country must respond. Some of them are nuclear threats. Some of them are nuclear threats that result from a rogue state acquiring a ballistic missile, and attaching to that missile a nuclear warhead, and aiming it at the United States. That truly is a threat. However, it is one of the least likely threats, I might suggest, and all experts have suggested that as well.

The most likely threat, by far, is not to have a rogue nation acquire an intercontinental ballistic missile and fire it at the United States with a nuclear warhead; the most likely threat, by far, is for a rogue nation or a terrorist group to achieve some sort of suitcase nuclear bomb and plant it in the trunk of a rusty Yugo car, set that car on a dock in New York City, and hold the city hostage. That has nothing to do with an intercontinental ballistic missile.

Far more likely is a small glass vial of deadly biological or chemical agents that can kill 100 million people. Or far more likely, in my judgment—if the threat is a missile threat—is from a cruise missile, not an intercontinental ballistic missile. A cruise missile, which would be more readily available, is a missile which travels at 500 feet above the ground at 500 miles an hour, roughly, and is not detectable or defensible from a national missile defense system once it is built.

So we have our colleagues who turn down the Comprehensive Nuclear Test-Ban Treaty and then say, by the way, we want to build a national missile defense system, and it will protect against one small sliver of the threat, and almost all the rest of the threat will be unresolved because we have spent all the money on this one small sliver, which is the least likely threat.

If the attack on the U.S.S. *Cole* teaches us—and it should—it ought to

teach us that the more likely threat to this country is a terrorist threat by two people on a boat or by someone driving a rental truck that is filled with a fertilizer bomb, as happened in Oklahoma City, or dozens of other approaches in which terrorists, or others, use their skill to try to wreak havoc through terrorist acts.

My hope is that while this Congress seems oblivious to the value of arms control and arms reductions, we will at least have some kind of a discussion in this campaign going on in this country about how we feel, as Members of Congress and as Presidential candidates, about our responsibility to provide leadership to reduce the stockpile of nuclear arms and reduce the threat of nuclear war, and especially to stop the spread of nuclear weapons to those who want them but do not yet have them.

What is our leadership responsibility? Some say: It is not our job. Not now. Not us. It is not time. I do not agree with that. We are kind of waltzing along as a country. Everything seems pretty good. The economy is doing pretty well.

We have a great deal of uncertainty in the world. We have a country such as Russia with 20,000 nuclear weapons. We have a lot of others that aspire to get access to the delivery vehicles and to nuclear weapons. We have terrorist groups who are in terrorist training camps, as I speak, who would love to acquire small, low-yield nuclear weapons. We have command and control issues in Russia on both strategic and tactical nuclear weapons. Yet there is almost no discussion here in this Chamber—almost no discussion in the Senate—about these issues.

To the extent there is discussion, it is discussion with a set of very special blinders, saying: Let's do the following. Let's build a national missile defense system. And let's build it now. And notwithstanding the consequences, we don't care what it costs, and we don't care what its consequences might be with respect to arms control agreements that now exist.

That is not, in my judgment, the best of what we ought to be doing for future generations. It is our responsibility to lead on the issue of arms reduction and arms control. It is our responsibility to say to the world that 20,000 nuclear weapons in the Russian stockpile is too much, and 10,500 nuclear weapons in our stockpile is too much, and we need to begin systematic reduction.

We know what does not work, and we know what does work. What does work is the Nunn-Lugar program, in which this country engages in treaties and, with the verification of those treaties, helps pay for the systematic destruction of nuclear weapons and delivery systems for those nuclear weapons. We know that works. We have been doing it now for several years.

I held in my hand, as I said earlier, a part of a Russian bomber wing. We did not shoot it down, we sawed it up. I held something from a nuclear sub-

marine. We did not sink it, we dismantled it. One day, on the floor of the Senate, I held a hinge from an ICBM silo that was located in the Ukraine. I had that metal hinge not because we destroyed that silo with a nuclear weapon but because we sent bulldozers and heavy equipment over there and took the silo out. What a remarkable success. Nunn-Lugar, that is what the program is called; Republican-Democrat; LUGAR a Republican, Nunn a Democrat. Nunn-Lugar: These two people provided leadership in the Senate saying, this is the program we ought to have to try to steer an area of arms reductions compliance with treaties that actually reduce the nuclear threat.

But it is just a step. It is just a step in what ought to be a journey for us, a long journey, but one we must stick to and must reflect as a priority for our country.

So I just wanted to come, as we finish this session of Congress, to say I have been profoundly disappointed that in this Congress we have made no progress on the issue of stopping the spread of nuclear weapons. We have a requirement to provide the leadership in this world on that issue. We have made no progress on the two major issues: The Comprehensive Nuclear Test-Ban Treaty, we took a huge step backward in terms of our world leadership responsibilities; and, second, on the issue of national missile defense, we have sent a signal to others that our arms control agreements really do not matter very much. That is, in my judgment, exactly the wrong signal to be sending.

I heard the Senator from Texas, my colleague, Mr. GRAMM, talk about another issue. I can't do his Texas twang, but he said: I am going to be here next year. Well, he is. I am going to be here next year as well. We have terms in the Senate. I was elected by my State to come and serve my State's interests here in the Senate and serve the interests of this country. I am going to be here.

It is my intention, with whatever strength I have, to try to provide some constructive leadership, with my colleagues, to say: This country has a significant responsibility to address the issue of stopping the spread of nuclear weapons. To the extent that we don't care much about it, don't do much about it, don't discuss it, don't talk about it, don't debate it, in my judgment, our country's future is severely injured.

I hope that as we turn the corner and come to January and swear in the 107th Congress, the issue of arms control and arms reductions—dealing with the stopping of the spread of nuclear weapons and the proliferation of both nuclear weapons and delivery vehicles for them—can become part of a significant debate in Congress because all Members of Congress will understand our responsibility and its importance.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:17 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR—UNANIMOUS CONSENT AGREEMENT

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaties on today's Executive Calendar. They will consist of Nos. 20 through 53.

I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification; all committee provisos, reservations, understandings, declarations be considered and agreed to; that any statements be printed in the CONGRESSIONAL RECORD as if read; further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent that the clerk report each treaty by title prior to the vote on each treaty, and further I ask for a division vote on each resolution of ratification.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The treaties will be considered to have passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification, which the clerk will report.

#### TREATY WITH MEXICO ON DELIMITATION OF CONTINENTAL SHELF

The resolution of ratification was read as follows:

*Resolved, (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the United Mexican States on the Delimitation of the Continental Shelf in the Western Gulf of Mexico Beyond 200 Nautical Miles, signed at Washington on June 9, 2000 (Treaty Doc. 106-39), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please rise. (After a pause.) Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### PROTOCOL AMENDING THE 1950 CONSULAR CONVENTION WITH IRELAND

The resolution of ratification was read as follows:

*Resolved, (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Protocol Amending the 1950 Consular Convention Between the United States of America and Ireland, signed at Washington on June 16, 1998 (Treaty Doc. 106-43), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please rise. (After a pause.) Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### INTER-AMERICAN CONVENTION ON SERVING CRIMINAL SENTENCES ABROAD

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Inter-American Convention on Serving Criminal Sentences Abroad, done in Managua, Nicaragua, on June 9, 1993, signed on behalf of the United States at the Organization of American States Headquarters in Washington on January 10, 1995 (Treaty Doc. 104-35), subject to the conditions of subsections (a) and (b).

(a) The advice and consent of the Senate is subject to the following conditions, which shall be included in the instrument of ratification of the Convention:

(1) RESERVATION.—With respect to Article V, paragraph 7, the United States of America will require that whenever one of its nationals is to be returned to the United States, the sentencing state provide the United States with the documents specified in that paragraph in the English language, as well as the language of the sentencing state. The United States undertakes to furnish a translation of those documents into the language of the requesting state in like circumstances.

(2) UNDERSTANDING.—The United States of America understands that the consent requirements in Articles III, IV, V and VI are cumulative; that is, that each transfer of a sentenced person under this Convention shall require the concurrence of the sentencing state, the receiving state, and the prisoner, and that in the circumstances specified in Article V, paragraph 3, the approval of the state or province concerned shall also be required.

(b) The advice and consent of the Senate is subject to the following conditions, which are binding upon the President but not required to be included in the instrument of ratification of the Convention:

(1) DECLARATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(2) PROVISIO.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty, please rise. (After a pause.) Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### TREATY WITH BELIZE FOR RETURN OF STOLEN VEHICLES

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Belize for the Return of Stolen Vehicles, with Annexes and Protocol, signed at Belmopan on October 3, 1996 (Treaty Doc. 105-54), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISOR.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Mr. BYRD. Mr. President, I ask unanimous consent that the division be shown by raising of hands rather than standing.

The PRESIDING OFFICER. Without objection, it is so ordered.

A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hands and be counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### TREATY WITH COSTA RICA ON RETURN OF VEHICLES AND AIRCRAFT

The resolution of ratification was read as follows:

*Resolved, (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Costa Rica for the Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft, with Annexes and a related exchange of notes, signed at San Jose on July 2, 1999 (Treaty Doc. 106-40), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the

constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISOR.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hands and be counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### TREATY WITH DOMINICAN REPUBLIC FOR THE RETURN OF STOLEN OR EMBEZZLED VEHICLES

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Dominican Republic for the Return of Stolen or Embezzled Vehicles, with Annexes, signed at Santo Domingo on April 30, 1996 (Treaty Doc. 106-7), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISOR.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hands and be counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### TREATY WITH GUATEMALA FOR RETURN OF STOLEN, ROBBED, EMBEZZLED OR APPROPRIATED VEHICLES AND AIRCRAFT

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Guatemala for the Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft, with Annexes and a Related Exchange of Notes, signed at Guatemala City on October 6, 1997 (Treaty Doc. 105-58), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISOR.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hands and be counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### TREATY WITH PANAMA ON RETURN OF VEHICLES AND AIRCRAFT

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Panama for the Return of Stolen, Robbed, or Converted Vehicles and Aircraft, with Annexes, signed at Panama on June 6, 2000, and a related exchange of notes of July 25, 2000 (Treaty Doc. 106-44), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.



(b) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hands and be counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### INVESTMENT TREATY WITH AZERBAIJAN

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Azerbaijan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on August 1, 1997, together with an Amendment to the Treaty set Forth in an Exchange of Diplomatic Notes Dated August 8, 2000, and August 25, 2000, (Treaty Doc. 106-47), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hands and be counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### INVESTMENT TREATY WITH BAHRAIN

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United

States of America and the Government of the State of Bahrain Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on September 29, 1999 (Treaty Doc. 106-25), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hands and be counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

Mr. THOMAS. Mr. President, may I ask the Senator if it would be agreeable to having them read and voted on en bloc.

Mr. BYRD. I would object.

Mr. THOMAS. Very well.

#### INVESTMENT TREATY WITH BOLIVIA

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Bolivia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Santiago, Chile, on April 17, 1998 (Treaty Doc. 106-26), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISIO.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legisla-

tion or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hands and be counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### INVESTMENT TREATY WITH CROATIA

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Croatia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Zagreb on July 13, 1996 (Treaty Doc. 106-29), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) Proviso.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hands and be counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### INVESTMENT TREATY WITH EL SALVADOR

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at San Salvador on March 10, 1999 (Treaty Doc. 106-28), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISOR.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hands and be counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### INVESTMENT TREATY WITH HONDURAS

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Honduras Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Denver on July 1, 1995 (Treaty Doc. 106-27), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISOR.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hands and be counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### INVESTMENT TREATY WITH JORDAN

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Amman on July 2, 1997 (Treaty Doc. 106-30), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISOR.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hands and be counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### INVESTMENT TREATY WITH LITHUANIA

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania for the Encouragement and Reciprocal Protection of Investment, with Annex and protocol, signed at Washington on January 14, 1998 (Treaty Doc. 106-42), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISOR.—The resolution of ratification is subject to the following proviso, which

shall not be included in the instrument of ratification:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hands and be counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### INVESTMENT TREATY WITH MOZAMBIQUE

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Mozambique Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, and a related exchange of letters, signed at Washington on December 1, 1998 (Treaty Doc. 106-31) subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISOR.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty will please raise their hand. (After a pause.) Those opposed will raise their hands.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### INVESTMENT TREATY WITH UZBEKISTAN

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Uzbekistan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on December 16, 1994 (Treaty Doc. 104-

25), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) **DECLARATION.**—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

**TREATY INTERPRETATION.**—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) **PROVISO.**—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

**SUPREMACY OF THE CONSTITUTION.**—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The **PRESIDING OFFICER.** A division has been requested.

Senators in favor of the ratification of this treaty will please raise their hand. (After a pause.) Those opposed will raise their hands.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### PROTOCOL AMENDING INVESTMENT TREATY WITH PANAMA

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Protocol Between the Government of the United States of America and the Government of the Republic of Panama Amending the Treaty Concerning the Treatment and Protection of Investments of October 27, 1982, signed at Panama City on June 1, 2000, (Treaty Doc. 106-46).

The **PRESIDING OFFICER.** A division has been requested.

Senators in favor of the ratification of this treaty will please raise their hand. (After a pause.) Those opposed will raise their hands.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### TREATY WITH CYPRUS ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Cyprus on Mutual Legal Assistance in Criminal Matters, signed at Nicosia on December 20, 1999 (Treaty Doc. 106-35), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) **UNDERSTANDING.**—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

**PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.**—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing the Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) **DECLARATION.**—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

**TREATY INTERPRETATION.**—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) **PROVISOS.**—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) **LIMITATION ON ASSISTANCE.**—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) **SUPREMACY OF THE CONSTITUTION.**—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The **PRESIDING OFFICER.** A division has been requested.

Senators in favor of the ratification of this treaty will please raise their hand. (After a pause.) Those opposed will raise their hands.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### TREATY WITH EGYPT ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consider to the ratification of the Treaty Between the Government of the United States of America and the Government of the Arab Republic of Egypt on Mutual Legal Assistance in Criminal Matters, signed at Cairo on May 3, 1998 (Treaty Doc. 106-19), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) **UNDERSTANDING.**—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

**PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.**—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) **DECLARATION.**—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

**TREATY INTERPRETATION.**—The Senate affirms the applicability of all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) **PROVISOS.**—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) **LIMITATION ON ASSISTANCE.**—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) **SUPREMACY OF THE CONSTITUTION.**—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The **PRESIDING OFFICER.** A division has been requested.

Senators in favor of the ratification of this treaty will please raise their hand. (After a pause.) Those opposed will raise their hands.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### TREATY WITH FRANCE ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of France on Mutual Legal Assistance in Criminal Matters, with an Explanatory Note, signed at Paris on December 10, 1998 (Treaty Doc. 106-17), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) **UNDERSTANDING.**—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty will please raise their hand. (After a pause.) Those opposed will raise their hands.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### TREATY WITH GREECE ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Hellenic Republic on Mutual Legal Assistance in Criminal Matters, signed at Washington on May 25, 1999 (Treaty Doc. 106-18), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty will please raise their hand. (After a pause.) Those opposed will raise their hands.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### TREATY WITH NIGERIA ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Federal Republic of Nigeria on Mutual Legal Assistance in Criminal Matters, signed at Washington on September 13, 1989 (Treaty Doc. 102-26), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senator's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty will please raise their hand. (After a pause.) Those opposed will raise their hands.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### TREATY WITH ROMANIA ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The resolution of ratification was read as follows:

*Resolved, (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Romania on Mutual Legal Assistance in Criminal Matters, signed at Washington on May 26, 1999 (Treaty Doc. 106-20), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty will please raise their hand. (After a pause.) Those opposed will raise their hands.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### TREATY WITH SOUTH AFRICA ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of South Africa on Mutual Legal Assistance in Criminal Matters, signed at Washington on September 16, 1999 (Treaty Doc. 106-36), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hands.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### TREATY WITH UKRAINE ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and Ukraine on Mutual Legal Assistance in Criminal Matters, signed at Kiev on July 22, 1998 (Treaty Doc. 106-16), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authorities, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hands.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### INTER-AMERICAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS WITH RELATED OPTIONAL PROTOCOL

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Inter-American Convention on Mutual Assistance in Criminal Matters ("the Convention"), adopted at the Twenty-Second Regular Session of the Organization of American States ("OAS") General Assembly meeting in Nassau, The Bahamas, on May 23, 1992, and the Optional Protocol Related to the Inter-American Convention on Mutual Assistance in Criminal Matters ("the Optional Protocol"), adopted at the Twenty-Third Regular Session of the OAS General Assembly

meeting in Managua, Nicaragua, on June 11, 1993, both instruments signed on behalf of the United States at OAS Headquarters in Washington on January 10, 1995 (Treaty Doc. 105-25), subject to the understandings of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDINGS.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

(1) IN GENERAL.—The United States understands that the Convention and Optional Protocol are not intended to replace, supersede, obviate or otherwise interfere with any other existing bilateral or multilateral treaties or conventions, including those that relate to mutual assistance in criminal matters.

(2) ARTICLE 25.—The United States understands that Article 25 of the Convention, which limits disclosure or use of information or evidence obtained under the Convention, shall no longer apply if such information or evidence is made public, in a manner consistent with Article 25, in the course of proceedings in the Requesting State.

(3) PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it may provide under the Convention and/or Optional Protocol so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1988, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOR.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Convention or the Optional Protocol requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hands.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION IN COUNTRIES EXPERIENCING DROUGHT, PARTICULARLY IN AFRICA, WITH ANNEXES

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the United States Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, With Annexes, adopted at Paris, June 17, 1994, and signed by the United States on October 14, 1994, (Treaty Doc. 104-29) (hereinafter, "The Convention"), subject to the understandings of subsection (a), the declarations of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDINGS.—The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification of the Convention and shall be binding on the President:

(1) FOREIGN ASSISTANCE.—The United States understands that, as a "developed country," pursuant to Article 6 of the Convention and its Annexes, it is not obligated to satisfy specific funding requirements or other specific requirements regarding the provision of any resource, including technology, to any "affected country," as defined in Article 1 of the Convention. The United States understands that ratification of the Convention does not alter its domestic legal processes to determine foreign assistance funding or programs.

(2) FINANCIAL RESOURCES AND MECHANISM.—The United States understands that neither Article 20 nor Article 21 of the Convention impose obligations to provide specific levels of funding for the Global Environmental Facility, or the Global Mechanism, to carry out the objectives of the Convention, or for any other purpose.

(3) UNITED STATES LAND MANAGEMENT.—The United States understands that it is a "developed country party" as defined in Article 1 of the Convention, and that it is not required to prepare a national action program pursuant to Part III, Section 1, of the Convention. The United States also understands that no changes to its existing land management practices and programs will be required to meet its obligations under Articles 4 or 5 of the Convention.

(4) LEGAL PROCESS FOR AMENDING THE CONVENTION.—In accordance with Article 34(4), any additional regional implementation annex to the Convention or any amendment to any regional implementation annex to the Convention shall enter into force for the United States only upon the deposit of a corresponding instrument of ratification, acceptance, approval or accession.

(5) DISPUTE SETTLEMENT.—The United States declines to accept as compulsory either of the dispute settlement means set out in Article 28(2), and understands that it will not be bound by the outcome, findings, conclusions or recommendations of a conciliation process initiated under Article 28(6). For any dispute arising from this Convention, the United States does not recognize or accept the jurisdiction of the International Court of Justice.

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following declarations, which shall be binding on the President:

(1) CONSULTATIONS.—It is the sense of the Senate that the Executive Branch should consult with the Committee on Foreign Relations of the Senate about the possibility of United States participation in future negotiations concerning this Convention, and in particular, negotiation of any Protocols to this Convention.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27,

1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(3) ADOPTION OF NO RESERVATION PROVISION.—It is the sense of the Senate that the "no reservations" provision contained in Article 37 of the Convention has the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and that the Senate's approval of the Convention should not be construed as a precedent for acquiescence to future treaties containing such provisions.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) REPORT TO CONGRESS.—Two years after the date the Convention enters into force for the United States, and biennially thereafter, the Secretary of State shall provide a report to the Committee on Foreign Relations of the Senate setting forth the following:

(i) a description of the programs in each affected country party designed to implement the Convention, including a list of community-based non-governmental organizations involved, a list of amounts of funding provided by the national government and each international donor country, and the projected date for full implementation of the national action program;

(ii) an assessment of the adequacy of each national action program (including the timeliness of program submittal), the degree to which the plan attempts to fully implement the Convention, the degree of involvements by all levels of government in implementation of the Convention, and the percentage of government revenues expended on implementation of the Convention;

(iii) a list of United States persons designated as independent experts pursuant to Article 24 of the Convention, and a description of the process for mailing such designations;

(iv) an identification of the specific benefits to the United States, as well as United States persons, (including United States exporters and other commercial enterprises), resulting from United States participation in the Convention;

(v) a detailed description of the staffing levels and budget of the Permanent Secretariat established pursuant to Article 23;

(vi) a breakdown of all direct and indirect United States contributions to the Permanent Secretariat, and a statement of the number of United States citizens who are staff members or contract employees of the Permanent Secretariat;

(vii) a list of affected party countries that have become developed countries, within the meaning of the Convention; and

(viii) for each affected party country, a discussion of results (including discussion of specific successes and failures) flowing from national action plans generated under the Convention.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hands.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

### EXTRADITION TREATY WITH BELIZE

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of Belize, signed at Belize on March 30, 2000 (Treaty Doc. 106-38), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person extradited to Belize from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Belize by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hands.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

### EXTRADITION TREATY WITH PARAGUAY

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Paraguay, signed at Washington on November 9, 1998 (Treaty

Doc. 106-4), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article XV concerning the Rule of Specialty would preclude the resurrender of any person extradited to the Republic of Paraguay from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such surrender; and the United States shall not consent to the transfer of any person extradited to the Republic of Paraguay by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hands.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

### EXTRADITION TREATY WITH SOUTH AFRICA

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of South Africa, signed at Washington on September 16, 1999 (Treaty Doc. 106-24), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections con-

tained in Article 18 concerning the Rule of Specialty would preclude the resurrender of any person extradited to the Republic of South Africa from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to the Republic of South Africa by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hands.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

### EXTRADITION TREATY WITH SRI LANKA

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Democratic Socialist Republic of Sri Lanka, signed at Washington on September 30, 1999 (Treaty Doc. 106-34), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 16 concerning the Rule of Specialty would preclude the resurrender of any person extradited to the Democratic Socialist Republic of Sri Lanka from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender;



and the United States shall not consent to the transfer of any person extradited to the Democratic Socialist Republic of Sri Lanka by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hands.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### INTERNATIONAL PLANT PROTECTION CONVENTION

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the International Plant Protection Convention (IPPC), Adopted at the Conference of the Food and Agriculture Organization (FAO) of the United Nations at Rome on November 17, 1997 (Treaty Doc. 106-23), referred to in this resolution of ratification as "the amended Convention," subject to the understandings of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDINGS.—The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification of the amended Convention and shall be binding on the President:

(1) RELATIONSHIP TO OTHER INTERNATIONAL AGREEMENTS.—The United States understands that nothing in the amended Convention is to be interpreted in a manner inconsistent with, or alters the terms or effect of, the World Trade Organization Agreement on the Application of Sanitary or Phytosanitary Measures (SPS Agreement) or other relevant international agreements.

(2) AUTHORITY TO TAKE MEASURES AGAINST PESTS.—The United States understands that nothing in the amended Convention limits the authority of the United States, consistent with the SPS Agreement, to take sanitary or phytosanitary measures against any pest to protect the environment or human, animal, or plant life or health.

(3) ARTICLE XX ("TECHNICAL ASSISTANCE").—The United States understands that the provisions of Article XX entail no binding obligation to appropriate funds for technical assistance.

(b) DECLARATION.—The advice and consent of the Senate is subject to the following declaration:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) REPORT TO CONGRESS.—One year after the date the amended Convention enters into force for the United States, and annually thereafter for five years, the Secretary of Agriculture, in consultation with the Secretary of State, shall provide a report on Convention implementation to the Committee on Foreign Relations of the Senate setting forth at least the following:

(A) a discussion of the sanitary or phytosanitary standard-setting activities of the IPPC during the previous year;

(B) a discussion of the sanitary or phytosanitary standards under consideration or planned for consideration by the IPPC in the coming year;

(C) information about the budget of the IPPC in the previous fiscal year; and

(D) a list of countries which have ratified or accepted the amended Convention, including dates and related particulars.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the amended Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hands.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

Mr. THOMAS. I thank the Presiding Officer, the Senator from West Virginia, and the clerk.

By the way, just for information, these treaties were all approved by the Foreign Relations Committee on October 4 and 5.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes for the purpose of introducing legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I thank the Chair.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 3213 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALLARD. Mr. President, I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Mr. President, may I inquire as to whether it would be appropriate at this point to request to speak as in morning business for a period of time not to exceed 8 minutes.

The PRESIDING OFFICER. That would be appropriate.

Mr. BRYAN. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REFORM OF MEDICARE

Mr. BRYAN. Mr. President, I am now in my last days of serving the people of the State of Nevada as a U.S. Senator. It is a role in which I am proud and privileged to have had an opportunity to serve. I am also very proud of the opportunity I have had to serve as a member of the Finance Committee, the committee with jurisdiction over the Medicare program.

Having said that, I am greatly troubled by this body's failure to take action on several fronts as it relates to Medicare. I am disappointed that we failed to act on Medicare coverage for prescription drugs as well as the proposed payment changes in the so-called BBA relief bill, a piece of legislation that deals with provider payment enhancements to those services and companies that provide service to Medicare patients.

The impact of Medicare over the past 35 years cannot be overemphasized. Prior to enactment of Medicare in 1965, fewer than half the seniors in America had any kind of health care coverage at all. Today, as a result of Medicare's enactment, 99 percent do. As a result, health care for the Nation's seniors has been improved and the burden of health care costs for them has been greatly ameliorated. But a Medicare program without prescription drug coverage does not meet the promise we made to seniors in 1965.

In 1965, the Medicare program roughly paralleled what was available in the private sector. Today, as all of us know, prescription drugs play such a vital role, a greatly enhanced role in

terms of our own Medicare treatment. We had a historic opportunity this year to fulfill the promise of Medicare and to guarantee access to comprehensive prescription drug coverage for Medicare beneficiaries. Yet we have squandered it.

There is no legitimate reason for the Republican leadership to have pushed meaningful prescription drug reform off for another year. The Finance Committee has spent the last 2 years considering prescription drugs. We have heard from experts on all sides of the issue. We have talked to our constituents. Many of us have worked diligently to put together legislation to provide a meaningful, comprehensive, affordable benefit for all Medicare beneficiaries. Yet the Finance Committee did not even hold a markup of a prescription drug benefit bill. By that I mean, for those who are not familiar with legislative language, we did not have the opportunity to vote on a Medicare bill in the Finance Committee, move it from the committee, and debate it on the floor.

I consider it a great tragedy that could have made a difference in the lives of our seniors. Our inaction will consign some 227,000 Medicare beneficiaries in my own State of Nevada and 39 million beneficiaries nationally to yet another year of spending an ever-increasing share of their fixed incomes on medically necessary drugs or trying to stretch their prescriptions by taking them every other day instead of every day or sharing them with spouses and friends or, worse, even going without.

We will be voting on the conference report to accompany the Agriculture appropriations bill this afternoon. The prescription drug importation provision is included in the conference report. I was pleased to join Senators DORGAN and JEFFORDS in their amendment in July. I believe this amendment is an important measure that can be helpful. There is no credible reason, no defensible basis that only drug manufacturers should be allowed to reimport prescription drugs.

A well defined reimportation program could help to make drugs more affordable for American consumers. The majority of our seniors are often faced with the difficult choice of paying extremely high prices at retail outlets or forgoing medically necessary prescription drugs because they simply do not have the financial resources to pay for them. However, the best designed reimportation provision is not a sufficient answer to the millions of Medicare beneficiaries who lack prescription drug coverage.

I hope my colleagues will not hide behind this provision when they are asked by their constituents why the Senate didn't approve a Medicare prescription drug benefit this year.

Moreover, the important provision has been altered by the Republican leadership such that it is extremely questionable whether it will actually

meet the goal Senators DORGAN and JEFFORDS and others desired—that of lowered prices.

One very basic problem with the provision is that a “sunset” date was added so that the importation system would end 5 years after it goes into effect. In order to assure the safety of the drugs being imported, laboratory testing facilities would be required. Distribution systems would also clearly be needed. I have serious doubts that the private sector investment to carry out this program will materialize if it is known that the program will only be in operation for 5 years. Why spend the money to develop the infrastructure for such a short-lived program? There is also a serious labeling problem that gives manufacturers the ability to shut down the program.

It is unquestionably and undeniably wrong that American citizens pay the highest prices for prescription drugs—particularly when many of these drugs are developed on American soil, by American companies who are receiving enormous tax breaks, patent protections and the benefit of billions of NIH research dollars.

I have been hoping to offer a germane amendment to the Foreign Sales Corporation (FSC) legislation that would deny the export tax benefit to pharmaceutical manufacturers charging Americans at least 100 percent more than they charge foreign consumers for the same drug. This amendment, if I get the chance to offer it, and if approved, would have one of two positive effects for the American consumer and taxpayer: either, the price of prescription drugs would decrease, or if the manufacturer chooses to continue to exploit American consumers, at least the taxpayer would not be providing a tax benefit for doing so.

The prices of prescription drugs could also be lowered through the simple measure of providing more information to purchasers of prescription drugs. I introduced the Consumer Awareness of Market-Based Drug Prices Act of 2000 because purchasers today do not have any meaningful price information—and there is no way competition can work without information on prices. I believe in the free market, but we have to let it work. The availability of real market-based price information is critical to the ability of employers and insurers to negotiate lower prices for their employees and enrollees.

Under the current law, that information is denied to those who purchase prescription drugs on behalf of either their insureds or those who are part of their employee group.

Not only does the lack of price information keep prices artificially high, but it affects the Federal budget. Drug manufacturers have been able to manipulate the average wholesale price, which is a meaningless statistic, but it results in billions of dollars of Medicare overpayments.

My legislation would simply require the Secretary of HHS to make avail-

able to the public the market-based information on drug prices that she currently collects: the average manufacturer price for each drug, and the best price available in the market. These prices are already collected to implement the Medicaid prescription drug rebate system—so no new bureaucracy or administrative structures would be necessary. Legislation is necessary, however, because the Secretary is statutorily prohibited from disclosing this information.

Our legislation would simply lift that prohibition and make that information available.

A reimportation provision without the loopholes and the sunset provision could help to lower prices. There are also other ways to lower prices—by requiring manufacturers to treat American patients fairly if they want to receive generous tax benefits, and by disclosing prices—but we also must add an affordable, voluntary prescription drug benefit to the Medicare program. Anything less is an empty promise to our seniors who often go without much-needed drugs, or pay astronomical prices for them.

Earlier this year, I introduced the Medicare Outpatient Drug Act. Like the Vice President's proposal, this bill would provide prescription drugs as a defined, comprehensive and integral component of the Medicare program to ensure it is available and affordable for all beneficiaries.

The drug benefit must be a part of the Medicare program—if it is not, there is no guarantee to our seniors and those Medicare beneficiaries with disabilities that it will be available, no guarantee that it will be affordable, no guarantee that it will provide catastrophic protection, and no guarantee that it will be around the following year.

Only Medicare can ensure that it is guaranteed to be there, that it is affordable, that there is catastrophic protection, and that it will be there year after year.

The Democrats offer Medicare beneficiaries choices: the Medicare benefit is a voluntary one. If a person has drug coverage through an employer or some other source, he or she can keep that coverage. The beneficiary can choose to receive the drug benefit as a part of the traditional fee-for-service program, or through a managed care plan.

So there are three choices that are available here: either not to accept it, or to have either a fee-for-service program, or a managed care program.

The GOP proposal, in Congress, and as promoted by Governor Bush, gives the choices to the insurers. The insurer can choose whether or not to offer prescription drug coverage—there is no requirement. The insurer can choose the level of the deductible, and the amount of the coinsurance the beneficiary must pay for each prescription. The insurer can choose whether or not to offer catastrophic coverage. The insurer can choose to limit those drugs

that are covered to a select few—either by limiting the diseases that qualify for treatment, or by limiting the number of prescriptions that may be filled each month. The insurer can choose to keep the benefit the same from year to year, or the insurer can choose to change the benefit each year or to discontinue coverage.

The Democrats have tried to pass a bill this year that would provide choices for beneficiaries, while our colleagues on the other side of the aisle have advocated a bill that would provide choices for insurers.

Given the cost of a prescription drug benefit, it is critical that we spend those federal dollars in a way that will ensure that the benefit and the choices are going to the Medicare beneficiaries—not to the insurers.

I am also deeply troubled by the way the majority leadership is allocating federal dollars in the “BBA-relief” bill. While members of the Finance Committee have not been allowed to participate in the development of this package, I understand that about \$10 billion out of a total of \$28 billion is to go to Medicare HMOs over the first 5 years. That is over one-third of the money in this package, when only 16 percent of Medicare beneficiaries are enrolled in Medicare HMOs.

The HMOs tell us that they need this level of funding to “stabilize” the market, and that without it they will have to withdraw from the program, or reduce benefits. But we know from the General Accounting Office that we are already overpaying the HMOs—by nearly \$1,000 per enrollee.

And yet, our colleagues on the other side of the aisle are not requiring any accountability on the part of the managed care plans in exchange for this huge influx of funding. They don't require them to stay in the market, and they don't require them to commit to a benefit package.

Managed care plans should be provided a reasonable portion of the funds in this package. But the majority has provided funds for HMOs at the expense of reducing beneficiary cost-sharing for preventive benefits and outpatient visits, at the expense of expanding health options for legal immigrants, at the expense of patients with Lou Gehrig's disease, at the expense of uninsured children, and at the expense of persons with Alzheimer's disease.

This is too great an expense.

I have a letter signed by 23 senior groups opposing this large payment of funds to Medicare+Choice HMOs.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LEADERSHIP COUNCIL  
OF AGING ORGANIZATIONS,  
Washington, DC, October 18, 2000.

Hon. RICHARD H. BRYAN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR BRYAN: The undersigned organizations oppose the large payment of

funds to Medicare+Choice HMOs rather than using these dollars to help Medicare beneficiaries in the proposed Medicare Balanced Budget Act (BBA). The pending leadership proposal reportedly spends about \$10 billion on HMOs and only a small fraction on America's seniors.

The proposed restoration of funds to HMOs is out of balance with the rest of the bill. Currently less than 16 percent of beneficiaries are enrolled in HMOs, yet one-third of the funds go to these entities. The increase in funds is of particular concern since HMOs are not being held accountable for their participation in Medicare. The plans have not committed to maintaining their benefits or to staying in the program for any length of time. Additionally, the proposed increase flies in the face of the fact that independent experts, such as the General Accounting Office, have found that these plans currently are paid too much.

Earlier in the year, Congress's budget resolution committed to spending \$40 billion on a new Medicare prescription drug benefit. This has not been done. And now rather than spend this \$40 billion on direct beneficiary improvements, Republican leaders are proposing only a small fraction of the original amount promised for beneficiaries.

There are many other senior concerns that are being shortchanged by this legislation including those that relate to quality of care. The bill would not provide sufficient funding to address a number of serious problems Medicare beneficiaries and their families currently face. The priorities related to the balance of payments in this bill must be changed to assure that the group that Medicare is supposed to serve—America's seniors—receive their fair share of the funds.

Sincerely,

AFSCME Retirees.  
American Association for International Aging.  
American Federation of Teachers Program on Retirement and Retirees.  
Association for Gerontology and Human Development in Historically Black Colleges and Universities.  
Association of Jewish Aging Services.  
Eldercare America.  
Families USA.  
Meals on Wheels Association of America.  
National Academy of Elder Law Attorneys.  
National Association of Area Agencies on Aging.  
National Association of Foster Grandparent Program Directors.  
National Association of Nutrition and Aging Services Programs.  
National Association of Retired and Senior Volunteer Program Directors.  
National Association of Retired Federal Employees.  
National Association of Senior Companion Project Directors.  
National Association of State Units on Aging.  
National Caucus and Center on Black Aging.  
National Committee to Preserve Social Security and Medicare.  
National Council of Senior Citizens.  
National Council on the Aging.  
National Senior Citizens Law Center.  
National Senior Service Corps Directors Associations.  
OWL.

Mr. BRYAN. Mr. President, finally, let me conclude by saying that the administration has indicated the President may veto this legislation because of the heavy tilt toward managed care plans, the lack of accountability, and the lack of provisions that would directly help Medicare beneficiaries—our

intended audience. I would support that veto.

I thank the Presiding Officer. I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCY PROGRAMS APPROPRIATIONS ACT, 2001—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask the Senator from Mississippi for 10 minutes or less on the bill.

Mr. COCHRAN. Mr. President, I am happy to yield to the distinguished Senator the time he requested.

Mr. LEAHY. Mr. President, I ask unanimous consent that following the comments of the distinguished Senator from Washington, I might be recognized under the normal division of time for about 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, it has taken a considerable period of time to reach the happy conclusion of the debate over the appropriations bill for the Department of Agriculture. None of that delay is due to the distinguished chairman or to his ranking member, the Senator from Wisconsin, who have worked with extraordinary diligence and I think immense success in bringing this bill before us.

I can't even begin the major portion of my remarks without thanking him for his thoughtfulness to the particular concerns of my own State—first, of course, the field of agricultural research. There is research money in this bill for wheat, apples, asparagus, animal diseases, small fruit, barley, and potatoes, to name a few. In each and every case, that money will help our farmers meet the demands of the market in the future—both here in the United States and overseas.

In addition, without precedent, there is a considerable and most indispensable relief for the tree fruit industry in my State and others—formerly a highly profitable occupation that has fallen on bad times. A bridge is provided in this bill until more successful times in the future. The cranberry industry falls into exactly the same situation. And, of course, with respect to low farm prices in many other commodities nationwide in scope, relief is included in this bill, again with the hope that we will soon have better times in the future for our agricultural products.

There are, however, two subject matter areas of this bill that are of particular importance. The first has to do with sanctions—the unilateral sanctions that the United States has imposed on itself barring the export of our agricultural commodities and for that matter medicines to a number of

countries around the world for some form of foreign policy reasons.

Those sanctions by and large are canceled by this bill, and the President is deprived of the power in the future to impose them unilaterally without dealing with us in Congress. This may be very important in the immediate future with the threat that sanctions will be taken against even our good friend Japan with our agricultural products by reason of its whaling practices. I disagree vehemently with its whaling practices. But I don't think we should deal with them by punishing our farmers, ranchers, and agricultural producers. Personally, I would have preferred the more sweeping language of the original Senate bill in this respect. There was vehement opposition to some of its provisions in the House of Representatives.

My colleague from the State of Washington, Congressman NETHERCUTT, worked diligently, and often in opposition to his own party's leadership, in crafting this compromise. This compromise, I guess, I would describe as being 80 percent of what we need. It includes what I think are some unwise provisions related to travel to Cuba. But, in my view, we should take this three-quarters, or 80 percent, of what we need, and we should begin to restore the opportunity to secure these markets to our farmers. And we should take care of the rest of the controversy next year.

Will we immediately begin to see huge sales of our wheat, for example, to Iran and to other former major customers? I am not at all sure we will. It may take years to repair the damage we have created by these unilateral sanctions. But this is a start. This gives our farm community, at a time of very low prices, once again the ability to compete in the world markets, and not just in some of those markets.

Finally, and most importantly, are the provisions of this bill dealing with the price of prescription drugs. My colleague from Nevada, who just concluded his remarks, had a number of points, with which I don't entirely agree, but I certainly do agree with him on that one. He was one of the cosponsors of the Jeffords-Dorgan proposal on the reimportation of drugs.

Simply stated, we face a situation in which American pharmaceutical manufacturers that are benefiting from huge tax subsidies through research and development tax cuts, and benefiting from the immense research that we do in the National Institutes of Health, nevertheless, sell their products outside of the United States in Canada, in Europe, and in Latin America for prices half or less the price they charge for those drugs in the United States. That is outrageous. It is a form of discrimination without any justification whatsoever.

Six months or so ago, I introduced a bill to directly ban price discrimination in prescription drugs in the same way it has been banned in almost every

other commodity in the United States in interstate commerce for some 65 years.

A Congressman from New York, Congressman HINCHEY, made a similar proposal in the conference committee. Personally, I would prefer a more direct approach.

Once again, the perfect was the enemy of the good. We have the ability not only for individuals to go into Canada or Mexico and buy drugs that are manufactured in the United States, but under the same circumstances they are manufactured in the United States, and then they are reimported to the United States for individuals to use. It is something that I think is very important for people who need to use drugs and find them far too expensive here; but also for our pharmacists to do the same thing to the extent that their wholesale prices are the result of discrimination against them and in favor of Canadians and Europeans and others.

Some of those costs will be passed back to the purchasers of prescription drugs here in the United States who can't travel to Canada or to Mexico or to someplace else to make their own purchases.

Is this a perfect solution? No. It is not. First, it is indirect rather than direct.

Second, there are opportunities, I am convinced, in the way their bill was written, in spite of all of the efforts of its proponents, through which the pharmaceutical manufacturers may find loopholes and may be able to frustrate the proper desire of Americans to lower drug prices.

If that happens, we will certainly be back next year at the same time and at the same place to see to it that a discrimination which is entirely unjustifiable is ended. American companies benefiting from American society, from American tax credits from American research should not discriminate against Americans. We have taken a major step forward in this bill to at least reducing and I hope eliminating that kind of discrimination.

I want to express my enthusiastic support for the passage of this bill.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will vote for the Agriculture appropriations conference report. I want to support our farmers. They deserve our support. But I will do so with a great deal of reluctance because of what the House of Representatives did. They inserted a provision which goes directly counter to the views that were expressed in rollcall votes of a bipartisan majority of both the House and the Senate.

I probably shouldn't be that surprised that the House of Representatives, under the Republican leadership, has, once again, abused the legislative process. It has occurred too often. We had very strong votes in both the House and the Senate to lift sanctions on the sale of food and medicine to

Cuba. After we had those votes, the House Republican leadership included a provision which prohibits any kind of public financing. What they have said is: Sure, you can have these sales. But we are going to make sure there is no way to pay for them.

We go back home and say how generous we are and how we are helping our farmers, at the same time chuckling all the way out, saying it will never happen.

That is bad for America's farmers. It is very bad for the Cuban people. It is certainly bad foreign policy.

In fact, they even went so far as to codify the restrictions on travel to Cuba. This strikes at the fundamental right of every American to travel freely. Some of the same people who jingoistically say we are Americans; we can go wherever we want, will say, but not to Cuba.

Senator DODD and I introduced legislation to lift this ban. He spoke eloquently about this. It is ironic, actually outrageous, that Americans can travel to North Korea or Syria or Vietnam but not to Cuba. What a hypocritical, self-defeating, and anachronistic policy. What a policy so beneath a great, good nation as ours, a nation of a quarter billion people, the most powerful, wealthiest nation on Earth. How small-minded. How petty. How beneath this great Nation.

It is a terrible decision, a blatantly partisan decision, a decision driven by politics, and one of the many reasons why the elections on November 7 are so important. It is time we inject intelligence and bipartisanship into our foreign policy. Congress has had its chance, but it has fallen short in too many ways to count. The decision on Cuba is another example of the failure of the 106th Congress to do what is right for America, what is right for America's farmers, what is right for the majority of the American people.

As one who opposes the dictatorial policies of Fidel Castro, I also oppose anybody telling me as an American, or my family, or the people of my State, that we cannot travel anywhere in the world where we might be accepted. It is so beneath a great and good nation. I hope this is something we will correct next year. The majority of Senators and House Members, Republicans and Democrats, have already voted. A small band of the Republican leadership should not be able to thwart that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to yield 15 minutes to the distinguished Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I regret that I have to come forward once again to oppose another of the annual appropriations bills, particularly one that is vitally important to our nation's farmers and to support social service programs for women and children.

However, this bill once again fails to responsibly appropriate funding to the highest agricultural and resource management priorities, and instead doles out \$300 million in pork-barrel spending. This amount is close to \$70 million more than was included in the Senate-passed bill, and the total overall spending for this bill exceeds the Senate and House passed bills by close to \$2.8 billion.

Mr. President, there are several problems with this final conference agreement.

First, the inclusion of \$300 million in special interest earmarks that either have not been properly reviewed or authorized through the legislative process. Much of this spending is earmarked for towns, universities, research institutes and a myriad of other entities that appear only vaguely related, at best, to addressing the dire situation of farmers, women and children.

A number of policy riders are also tacked on, without any consideration by either body, that reverse a number of 1996 farm bill reforms and violate trade policies.

Let's first take a look at the "Top Ten Porkbusters" in this year's agriculture bill:

No. 10, An add-on of \$300,000 is provided to a laboratory in East Lansing, Michigan to map and identify genes in chickens;

No. 9, An amount of \$680,000 will be provided to test the "competitiveness" of agricultural products solely from the state of Washington;

No. 8, Despite millions provided for salmon restoration through other appropriations bills this year, \$645,000 is earmarked for research on alternative salmon products in guess where—Alaska; you will find Alaska pops up quite frequently in these pork barrel bills.

No. 7, An add-on of \$1.05 million will pay for sunflower research in Fargo, North Dakota.

Sunflower research, obviously, is unable to be carried out in any other part of America, so we have to add \$1 million to pay for sunflower research in Fargo, ND.

No. 6, \$300,000 is earmarked for the Pineapple Growers Association in Hawaii, whose three members of the Pineapple Growers Association are the impoverished organizations, Dole Food, Del Monte Fresh Produce, and Maui Pineapple Company. These impoverished three corporations are badly in need of \$300,000 of the taxpayers' money so they can deliberate as the Pineapple Growers Association of Hawaii.

A whopping \$5 million is earmarked for an insect rearing facility in Stoneville, MS. That must be an interesting place.

No. 4, an add-on of \$300,000 will pay for manure management systems in Florence, SC. I have spent a lot of time in South Carolina. I hope this \$300,000 will pay for the manure management systems in Florence, SC.

No. 3, a \$250,000 earmark is included for potato research in Prosser, WA, to develop improved varieties of potatoes. Only in Prosser, WA, do we need to do this kind of research.

No. 2, the popular National Center for Peanut Competitiveness in Georgia will receive a healthy endowment of \$400,000. That ever popular National Center for Peanut Competitiveness, in Georgia, will receive this \$400,000.

And No. 1, an earmark of \$100,000 is provided for the Trees Forever Program in Illinois, the vitally important purpose of which is to encourage and provide information on the use of trees. Trees Forever in Illinois is to encourage and provide information on the use of trees.

In my State of Arizona, except in the northern part of my State, we don't have a lot of trees, but we certainly have a lot of cactus. Perhaps we could have next year an earmark for the "Cactus Forever Program." That might be an enjoyable exercise. I urge my pork barreling friends to consider, next time they have Trees Forever, perhaps "Cactus Forever."

Mr. President, this is just a small sample from the 32-page list of earmarks I compiled from this agriculture appropriations conference report. Many are recurring earmarks, year after year, for projects that appear to be either duplicative or, as GAO had found when reviewing agricultural spending, pay for projects not related to basic research or high-priority areas, or which already receive substantial private sector investments.

Mr. President, I am sure that many of these objects may be meritorious and helpful to the designated communities. What I object to is the way these projects have been selectively identified and prioritized for earmarks, mostly for purely political interest, rather than for the national interest.

This agriculture appropriations measure is intended to provide assistance to farmers, women, children and rural communities with the greatest need. Yet, by diverting millions for parochial spending, we fail in this responsibility, forcing Congress to once again attach ad-hoc emergency spending, adding up so far to \$23 billion over the past three years, for farm relief and other disaster assistance. This time around, about \$3.6 billion is designated as emergency spending for farmers and communities who have suffered critical losses due to severe drought and difficult market conditions.

I realize that many of America's family farms are in crisis, and some form of assistance is needed to responsibly address real economic hardship faced by many of our nation's farmers and their families. However, it is quite interesting to note that among those that the budget negotiators consider the most in need are the tobacco, sugar and honey industries.

For example, a last minute provision was added to reverse the limited reforms to the federal sugar program. Be-

hind closed doors, powerful sugar interests have been able to chip away at the few reforms required by them by the 1996 Freedom to Farm bill.

First, through last year's omnibus appropriations bill, a provision was tacked on in conference to remove the responsibility of sugar producers to pay small marketing assessments on sugar to help pay down the federal debt.

By the way, a large family of sugar growers is one of the major reasons why we are having to pay billions of dollars to clean up the Everglades.

Earlier this year, sugar interests pressured the Agriculture Secretary to spend more than \$60 million to purchase more than 150,000 tons of surplus sugar to prevent mass forfeitures, paid for by the taxpayers once again. An additional 934,000 short tons of sugar was forfeited once again this month, thereby eliminating the responsibility for sugar growers to pay back \$352 million in loans. Many of these sugar growers are capable of making enormous political contributions in soft money to both parties.

And, now, sugar interests have adeptly worked behind the scenes to add another never-before-seen provision, not previously included in the Senate or House bill, to overturn federal sugar policy. This change will reverse the recourse loan provision in the 1996 farm bill that obligates full repayment of the loan in cash. Despite loopholes already existing in current law to allow sugar producers to sidestep loan repayments, this new conference provision directs that all federal price support loans be made permanently "non-recourse" loans, which is a fancy way of saying the loans will not have to be repaid.

Another provision added in conference allows burley tobacco producers to forfeit their crops, much in the same manner that sugar producers are allowed to do. Not only are we letting sugar and tobacco growers off the hook for repayment of Federal loans, the Federal Government will be responsible for selling off tobacco crops that are forfeited to the Federal Government. Such a movement may encourage the overproduction of tobacco, at a time when, thank God, the tobacco demand is lessening and the American people are urging more responsible federal policies toward tobacco because of its impacts on our children and public health. However, once again, special interests win, and the taxpayers will foot the bill, at a cost of \$50 million.

Other egregious last-minute provisions added in conference include:

A new provision that reinstates the federal subsidy for honey producers, previously repealed by the 1996 farm bill. The cost? \$20 million.

The controversial dairy price support program will be extended, while also delaying implementation of the dairy recourse loan program that requires full repayment of federal loans.

\$500,000 is earmarked solely for the State of California for crop insurance,

despite the \$8 billion crop insurance reform bill passed earlier this year.

\$2.5 million is directed to capitalize the South Carolina Grain Dealers Guaranty Fund, under the guise of emergency spending; and,

\$7.2 million in emergency funds will pay for sugar transportation costs for the State of Hawaii.

Other provisions are tacked onto this report that clearly do not belong in this particular bill and, therefore, could be subject to budget points-of-order.

A provision, which the Wall Street Journal called a "unique steel-friendly provision," was inserted into this conference report that diverts antidumping and countervailing duties from the Treasury to affected domestic industries. This provision is an almost one-half billion dollar giveaway to U.S. corporations that had not been considered previously by the Senate. As our nation begins to pay down our \$5 trillion debt, we should consider the effect of this provision very carefully. Instead, we will not consider it at all. No member, except those among the negotiators, will have any say about the effects of this policy.

Another equally troubling provision in this report once again concerns legislation that has not been considered by the House or Senate. This provision sets up a Hass Avocado Board for avocado research and promotion. While on its face, it may not sound objectionable, such a provision may unfairly give domestic producers more representation than U.S. importers, thereby violating our WTO obligations by not granting national treatment to avocado imports and acting as an export subsidy.

In addition, this provision currently forces an assessment of avocados at a rate of \$.025 per pound. This rate must be paid by exporters at the time of entry into the United States. However, U.S. domestic producers will not have to pay these taxes until 60 days after the last day of the month that the sale is made. In addition, no tax is collected on Hass avocados that are exported.

Again, these two provisions clearly violate our WTO obligations, and I believe we should study this issue more before passing it into law. I am concerned that this provision will give 85 percent of the fees collected from a state back to the state avocado board. This seems like unnecessary pork for state avocado boards. However, once again, we will not be able to vote up or down on this provision.

The Congress has certain rules that apply to its budget process. One of those rules states that, once a Senate-House conference convenes, negotiations are limited to only the funding and provisions that exist in either bill. Adding funding that is outside the scope of the conference is not in order, nor is the inclusion of legislative provisions that were not in the preexisting bills.

The final agreement clearly violates our established rules over and over

again. Yet, no one pays attention to these violations because Congress appears to favor spending that benefits the special interests of a few, rather than spend the taxpayers' dollars responsibly and enact laws and policies that reflect the best interests of all Americans.

It is all taxpayers who have to shoulder the burden to pay for the pork-barrel spending in this appropriations conference report and the others that will follow, and I will not vote to place that burden on American families.

Mr. President, in conclusion I want to refer to a column by David Broder in this morning's Washington Post. The title of it is, "So Long, Surplus." That is what I have to say this morning and what I have been saying for several weeks now: So long, surplus.

I notice a lot of the Presidential debate is devoted to what we will do with the surplus, whether we cut taxes; whether we pay down the debt; whether we save Social Security; whether we save Medicare. It is not going to be there. We are spending it at an incredibly huge rate.

As a result, said Congressional Quarterly, the nonpartisan, private news service, spending for fiscal 2001, which began on Oct. 1, is likely to be \$100 billion more than allowed by the supposedly ironclad budget agreement of 1997.

More important, the accelerated pace of spending is such that the Concord Coalition, a bipartisan budget-watchdog group, estimates that the \$2.2 trillion non-Social Security surplus projected for the next decade is likely to shrink by two-thirds to about \$712 billion.

Let me repeat. The Concord Coalition, which is a bipartisan organization, predicts that the surplus is not going to be \$2.2 trillion in the next decade; it is going to be about \$712 billion. And that is with the rosier of scenarios.

What are we doing here? What are we doing here? We are spending the surplus; we are earmarking, pork barrel spending; we are calling things emergencies that are not. We are frivolously and irresponsibly spending this surplus which is so vital to our ability to meet our entitlement obligations in this century, obligations to Social Security and to Medicare and other entitlement programs.

I quote from David Broder again, from this morning.

To grasp what is happening—those now in office grabbing the goodies before those seeking office have a chance—you have to examine the last-minute rush of bills moving through Congress as it tries to wrap up its work and get out of town.

I ask unanimous consent the article by David Broder of this morning be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 18, 2000]

SO LONG, SURPLUS

(By David S. Broder)

Between the turbulent world scene and the close presidential contest, few people are

paying attention to the final gasps of the 106th Congress—a lucky break for the lawmakers, who are busy spending away the promised budget surplus.

President Clinton is wielding his veto pen to force the funding of some of his favorite projects, and the response from legislators of both parties is that if he's going to get his, we're damn sure going to get ours.

As a result, said Congressional Quarterly, the nonpartisan, private news service, spending for fiscal 2001, which began on Oct. 1, is likely to be \$100 billion more than allowed by the supposedly ironclad budget agreement of 1997.

More important, the accelerated pace of spending is such that the Concord Coalition, a bipartisan budget-watchdog group, estimates that the \$2.2 trillion non-social Security surplus projected for the next decade is likely to shrink by two-thirds to about \$712 billion.

As those of you who have been listening to Vice President Al Gore and Texas Gov. George W. Bush know, they have all kinds of plans on how to use that theoretical \$2.2 trillion to finance better schools, improved health care benefits and generous tax breaks. They haven't acknowledged that, even if good times continue to roll, the money they are counting on may already be gone.

To grasp what is happening—those now in office grabbing the goodies before those seeking office have a chance—you have to examine the last-minute rush of bills moving through Congress as it tries to wrap up its work and get out of town.

A few conscientious people are trying to blow the whistle, but they are being overwhelmed by the combination of Clinton's desire to secure his own legacy in his final 100 days, the artful lobbying of various interest groups and the skill of individual incumbents in taking what they want.

Here's one example. The defense bill included a provision allowing military retirees to remain in the Pentagon's own health care program past the age of 65, instead of being transferred to the same Medicare program in which most other older Americans are enrolled. The military program is a great one; it has no deductibles or copayments and it includes a prescription drug benefit.

Retiring Democratic Sen. Bob Kerrey of Nebraska, himself a wounded Congressional Medal of Honor winner, wondered why—in the midst of a raging national debate on prescription drugs and Medicare reform—these particular Americans should be given preferential treatment. Especially when the measure will bust the supposed budget ceiling by \$60 billion over the next 10 years.

"We are going to commit ourselves to dramatic increases in discretionary and mandatory spending without any unifying motivation beyond the desire to satisfy short-term political considerations," Kerrey declared on the Senate floor. "I do not believe most of these considerations are bad or unseemly. Most can be justified. But we need a larger purpose than just trying to get out of town."

The Republican chairman of the Senate Budget Committee, Pete Domenici of New Mexico, joined Kerrey in objecting to the folly of deciding, late in the session, without "any detailed hearings . . . [on] a little item that over a decade will cost \$60 billion." Guess how many of the 100 senators heeded these arguments? Nine.

Sen. Phil Gramm, a Texas Republican, may have been right in calling this the worst example of fiscal irresponsibility, but there were many others. Sen. John McCain of Arizona, who made his condemnation of pork-barrel projects part of his campaign for the Republican presidential nomination, complained that spending bill after spending bill is being railroaded through Congress by questionable procedures.



"The budget process," McCain said, "can be summed up simply: no debate, no deliberation and very few votes." When the transportation money bill came to the Senate, he said, "the appropriators did not even provide a copy of the [conference] report for others to read and examine before voting on the nearly \$60 billion bill. The transportation bill itself was only two pages long, with the barest of detail, with actual text of the report to come later."

Hidden in these unexamined measures are dozens of local-interest projects that cannot stand the light of day. Among the hundreds of projects uncovered by McCain and others are subsidies for a money-losing waterfront exposition in Alaska, a failing college in New Mexico and a park in West Virginia that has never been authorized by Congress. And going out the window is the "surplus" that is supposed to pay for all the promises Gore and Bush are making.

Mr. MCCAIN. Mr. President, the Congress has not always acted this way. As a matter of fact, in fiscal years 1997 and 1998, when we still had deficits, the Congress spent less money than the actual budget caps allowed. But since the era of surpluses began in 1999, the Congress and the president have taken this to mean they now have a license to spend freely and irresponsibly without any adherence to limits. We have gradually spent in excess of the discretionary spending limits.

But now, for the fiscal year 2001, the spending has exploded to at least \$33 billion above the spending cap, consuming nearly one-third of fiscal year 2001's projected on-budget surplus, and we still have several appropriations bills yet to go. Our continuing fiscal irresponsibility in threatening to consume a substantial portion of the projected on-budget surpluses before they are actually realized—and, according to a recently released CBO report, even if we are to save all of today's projected surpluses, we still face the possibility of an uncertain long-term fiscal future as adverse demographics and lengthening lifespans lead to surging entitlement costs.

CBO projects that the three main entitlement programs—Social Security, Medicare, and Medicaid—will rise from roughly 7.5 percent of GDP today to 17 percent by 2040 absent programmatic reforms. The CBO also warns that "Projections of future economic growth and fiscal imbalances are quite sensitive to assumptions about what policymakers will do with the budget surpluses that are projected to arise over the next decade."

Therefore, it is imperative that not only do we avoid squandering the projected surpluses, but the meaningful reforms of entitlement programs be undertaken not to avoid budget deficits and unsustainable levels of debt in the future.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, is it correct that I am allotted 45 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, before getting into my main comments on the Agriculture Appropriations conference report, I want to make a few comments in response to the Senator from Arizona, who spoke about various items that are in this bill and criticized them.

I am very proud of my service on the agriculture appropriations subcommittee, and I am very proud of our chairman and ranking member for the bill they put together. It is a good bill. I am going to vote for it because it provides needed funding for a range of programs and activities important not only to farm families and rural communities but to consumers and our Nation generally.

I thank our agriculture appropriations chairman, Senator COCHRAN, and the ranking Democratic member, Senator KOHL, for their hard work on this bill. I appreciate the opportunity to have worked with them, and I thank them for their cooperation in responding to my views on various items in this legislation. I commend them for their work in putting this bill together. Overall, it is a good bill.

The Senator from Arizona cited a number of items in the bill. I did not hear him mention some research grants for the fruit and vegetable market analysis for Arizona. There was a produce pricing item in there for Arizona. There was a Federal administration research grant for shrimp aquaculture for several States, including Arizona. Also in the conference report, there is a \$5 million item for Water Conservation and Western Cotton Laboratory in Maricopa, AZ.

I do not know a lot about those facilities. I know our colleague, Senator KYL, is on the committee. I am sure he has looked at these items and may have had something to do with them being in there. I do not know. But I believe the Senator from Arizona, who just spoke, is off the mark because most of the items in this bill are there because Senators pay attention to the needs of their constituents and they pay attention to the needs of our country.

I am not cognizant of this Water Conservation and Western Cotton Laboratory in Maricopa for \$5 million, but it probably has something to do with cotton production, which is important to our country. It probably has something to do with cotton production in Arizona, which is obviously important to the people of Arizona and Western States.

I don't know. Maybe this has something also to do with the large

amounts of Federal subsidies that our Government provides for water and for irrigation for cotton in Arizona. I listened in vain to hear my colleague from Arizona decry the use of subsidized water in his State of Arizona. Well, I'm not here today going after it. It is probably necessary for the people of Arizona, probably necessary for western cotton production, and could be important for western animal production.

So I think my friend from Arizona, in taking after a lot of the items in the Agriculture appropriations bill, is just simply off the mark. Oh, I know it probably makes good press. You can probably get a good column written once in a while about pork barrel spending and all that kind of stuff, but when you go down these items, these are items that are important to the people of those constituencies in those States, important to agriculture in those States and, as such, it is important to agriculture for the entire country.

So that is why I commend the chairman and the ranking member for putting this bill together. It is a good bill.

In fact, if you want to talk about items that are in the bill that pertain to States, let me talk about one in my own State. One of my highest priorities was to obtain funding for the planning and design of new facilities at the Department of Agriculture's National Animal Disease Laboratory in Ames, IA. I am pleased that the bill has the full \$9 million that was requested for this purpose in the President's budget.

These new facilities are absolutely critical for biocontainment and work with animals with highly contagious diseases. The National Animal Disease Laboratory is one of—of course, in my opinion, it is the preeminent animal disease research facility in the United States. But the conditions of this facility are very poor. The main facility there was constructed beginning in the 1950s. Now we face threats from new animal diseases; some that are highly contagious, some that can be used by terrorists for bioterrorism. Yet the facilities, some that were built some 40 years ago, are not built to contain them adequately, safely, and securely. We need to move forward to improve the National Animal Disease Laboratory facilities as quickly as possible, to protect against emerging, highly contagious, highly infectious animal diseases, many of which, if not contained, if let loose in the environment, could cause tremendous numbers of illnesses and deaths. So the NADL funding is not just about protecting animal life and health; it is also for protecting human life and health as well. Sure, this facility is located in Iowa—I am very proud of it; it predates my service in Congress—but it is a national laboratory. This is another example where money has gone to a State, but it has gone for a national purpose. It is just like any of the other national laboratories that we have. This is the preeminent one for animal disease.



I also want to point out some other priority items of particular interest in Iowa that are in the bill. They are particular to Iowa, but they are broader than the State, including funding for research that will help block the use of anhydrous ammonia to make methamphetamine. That is one that is in this bill. It helps us in Iowa, but it helps us in many other States.

There is an item in the bill for addressing serious erosion problems in Iowa's Loess Hills. The Loess Hills in Iowa make up the only geologic formation of its kind anywhere in the world outside the nation of China. These are a national treasure. There is some money in here to address some of the serious erosion problems in this very unique geologic formation.

There is money in here for research into industrial lubricants made from soybeans and other commodities, for farm safety education, and for dairy research and education.

I see my friend from Minnesota is here. I just joined him in Minnesota yesterday. We traveled around the State. I was reading an article—I think it happened in Minnesota, but if it didn't happen in Minnesota, it happened in Iowa—where a little 3-year-old boy got one arm and his other hand caught in a farm auger. I was reading the tragic story of how the doctors tried to reattach his arm and were unsuccessful in doing so. So this young 3-year-old boy has lost his right arm and, I believe, his left hand because of an accident on a farm.

Do we need funds for better research and education so that farmers and their families can be more safe in their occupations? You bet we do. And that is very worthwhile funding.

This bill also includes major increases in funding for food safety activities at USDA and FDA. This has been a priority of mine for a number of years. For USDA, food safety funding will increase by \$28.3 million; and for FDA, the funding will increase by \$30 million. That means that for USDA and FDA we are fully funding the President's food safety initiative. That is good, but there is a lot more we have to do in the way of food safety.

Last month, we had a hearing in the Agriculture Committee on food safety. Chairman LUGAR and I worked together to help set it up. In that hearing we gathered some very telling information about the resources that we are putting into food safety. The General Accounting Office testified that in fiscal year 1999, about \$1 billion was spent on USDA and FDA food safety activities combined. Of that amount, USDA received \$712 million to inspect some 6,000 meat, poultry, and egg establishments.

FDA, however, received only \$260 million with which it had to inspect over 57,000 food establishments and 9,000 animal drug and feed establishments. So USDA gets \$712 million. They have 6,000 establishments to inspect. FDA got only \$260 million. They

had to inspect over 66,000 establishments.

Here is the twist. About 85 percent of the instances of foodborne illness are linked to foods that fall under FDA's jurisdiction, and only 15 percent of them fall under USDA's jurisdiction. So clearly, we have our work cut out for us in the area of food safety.

We need more resources for the Food and Drug Administration. But, in reality, we really need a more unified and coordinated structure for federal food safety. Next year, this Congress should work to that end. I know my colleague, Senator DURBIN from Illinois, has a bill on that. Obviously, all the bills will die at the end of this session of this Congress, but we need to join forces in a bipartisan fashion next year. I believe there will be broad support among food producers and consumers to have a unified coordinated structure for food safety here at the Federal level.

I was also pleased to be able to work with Congressman WALSH of New York to include in this conference report important hunger relief measures. The provisions in this bill will significantly help in making sure Americans who have high rent and utility costs, or who just happen to have a modest, reliable automobile, can still receive food stamp benefits they need to feed their families. The vehicle provision is especially important in rural areas where people need to have a decent car to get to town or to get to work. They should not be disqualified from food stamps just because they own a modest, dependable vehicle.

I am also pleased that there were significant increases in rural housing, sewer, and water assistance, and economic development support important for rural America. I am, however, concerned about an increase in the fee for rural housing. For the rural housing loan assistance program, the fee was increased from 1 percent to 2 percent. That was included in the final measure. I believe this hurts the ability of modest-income families to become homeowners in rural areas. I will be working to reverse that.

This legislation also includes a substantial amount of additional emergency spending to respond to the needs arising from various types of economic and natural disaster losses. Overall, there is approximately \$3.6 billion in emergency assistance, including compensation for crop production and crop quality losses, livestock and dairy assistance, and funding for the important emergency conservation and emergency watershed programs. This emergency assistance will be very important to farmers who have suffered from drought and severe weather in Iowa and many other States.

Over the past several years, Congress has provided a good deal of emergency assistance to farmers. In the past 3 years, the emergency assistance has amounted to over \$22 billion. As I said, in this bill there is an additional \$3.6

billion. For the most part, that assistance was clearly needed—in fact, critically needed. It helped keep many farm families on the land who otherwise would have been forced out of business. Keep in mind, these emergency payments were on top of the spending under provisions of the existing farm bill.

For fiscal year 2000, USDA made some \$28 billion in direct payments of one kind or another to U.S. farmers. That is a record. And the overall cost of farm programs was \$32.3 billion, another record. Looking at it another way, in calendar year 2000, U.S. farmers will receive \$23.3 billion in direct payments from the Federal Government, but they will have a net farm income of only \$45.6 billion. Over 50 percent—over half—of U.S. net farm income this year will come from direct Government payments. In fact, last year in Iowa, USDA payments exceeded our net farm income.

I can't help but ask, whatever happened to the promises made by the backers of the so-called Freedom to Farm bill? They were going to "get the Government out of agriculture and let the free market work." What do we have? Commodity prices have crashed. Farm program spending by the Government is at record levels, and farmers are still being driven off the land by the thousands. Get the Government out? Farmers today are every bit, if not more, reliant on the Government than they have ever been before. Freedom to Farm did not get the Government out of agriculture, but it sure has been successful in getting family farmers out of agriculture.

Today our farmers plant for the Government program. They market for the Government program. They rely on the Government program for over half their net farm income. Already, Freedom to Farm has cost \$29 billion more than its backers promised when it was passed in 1996. The emergency assistance we have passed went to help a lot of farmers. But it is a serious indictment of the current Freedom to Farm bill that Congress has had to provide emergency farm income assistance 4 years in a row. And the way things are going, we are going to have to add more in this fiscal year beyond what is in this bill.

We cannot any longer tolerate a farm policy that lurches from one emergency spending measure to the next. It is time for Congress to recognize that Freedom to Farm has become "freedom to fail." It has failed. We need to write a new farm bill, one that maintains the planning flexibility and the environmental programs we all support—but that restores the income protection, the farm safety net, the countercyclical programs that farmers need.

I listened to the debate last night. What I heard was Vice President GORE say we need to change our farm program, we need a better safety net, we need better conservation programs that are voluntary, that we can put

more money into conservation, but to provide a better income protection and a countercyclical program for farmers. To the best of my knowledge and information, Governor Bush has said he wants to stick with Freedom to Farm.

I think those who live in rural America and on our farms should know that, should know the data, the facts I have just laid out. Farm program spending is at an all-time high, yet thousands of farmer are still going out of business. We need a new direction and a new farm bill. We need it soon.

Here is another aspect of the failure of the Freedom to Farm bill. Because farmers are so heavily reliant on direct payments, Congress has stepped in this year and last year to raise the payment limitation for loan deficiency payments, what are known as LDPs, and marketing loan gains. We have raised the payment limitation for loan deficiency payments and marketing loan gains to \$150,000 instead of \$75,000 which was in the farm bill. It was done last year, and it is done again this year in this bill.

But there is a wrinkle that deserves more attention. If an individual sets up partnerships or corporations, that individual can actually double the effective payment limitation. That means that, in reality, the payment limitation for the largest farms is now \$300,000 for an individual.

I have to ask: How can we justify paying out such large amounts of money to the largest farms while family farms are struggling to survive and going out of business? We are told that this payment limitation relief was absolutely necessary, even to help family-size farms. But in reality, only a very small share of farms actually receive any benefit from this increase in the payment limit.

The Environmental Working Group analyzed the USDA data and determined that fewer than five-tenths of 1 percent of farms and farm businesses that are receiving USDA payments actually benefited from the payment limitation increase Congress approved in 1999. These 3,400 individuals and farm businesses received an average of \$148,000 under this program last year, 14 times higher than the \$7,200 received by the average farmer.

We have similar numbers from the Office of the Chief Economist at USDA. Based on data collected in the 1997 census of agriculture, they found that the number of farmers who might benefit for that year with the change included in this conference report is about 13,000, which is perhaps about 1.5 percent of the total participants in the Federal commodity programs.

So again, this doubling of farm payment limitations went to help just a very small percentage of farms of the largest size. It seems to me, if we are going to provide these amounts of money, we should put it in to help the family size farms that are struggling, the kind of farms Senator WELLSTONE and I visited yesterday in southern

Minnesota. These are not huge farms, these are family farms, yet they are the ones being squeezed. The big ones that are perhaps farming thousands of acres of land are getting huge payments of up to \$300,000. That doesn't make sense. These large farms can protect themselves, take care of themselves. If we are going to put the money in for farmers, let's help the struggling family farms first.

I also want to talk about the Cuba provisions. I believe what is in this conference report on Cuba was really a step backward. There is a superficial sham opening of the embargo on agricultural shipments to Cuba from the United States, but the restrictions are so great that I do not believe it will amount to anything. Keep in mind that no direct financing can be provided by any U.S. financial institution to anyone who wants to sell products to Cuba. Well, financing is a critical part of agricultural exports. Anyone knows that. Yet no direct financing can be provided. You have to go to some third country to get it. Also, the bill locks into statute the travel restrictions that have been in place regarding Cuba, which are administrative. This locks them into law. It will make it just that much harder to bring down the barriers to change in Cuba.

We have had a failed policy on Cuba for 40 years now—a failed policy. This bill keeps us on the same path. Actually, what we are doing in this bill is the best thing we could ever do to keep Fidel Castro in power. If you want to change things in Cuba, open it up and let people travel there. Open it up for exports. Let our farmers travel there and sell our goods and products in Cuba without the restrictions this bill writes into law. That would be the single best thing we could do. But, no, we are doing the same thing we have done for 40 years. Someone once described insanity as doing the same thing over and over again and expecting a different result. We keep doing the same thing year after year after year with Cuba, and we expect some different results. It is time we change our Cuba policy.

Lastly, I want to talk about the issue of drug reimportation. There was a provision in this bill that would have allowed pharmacists and wholesalers to reimport prescription drugs.

The cost of prescription drugs is a critical issue. I have had meetings with seniors across Iowa to talk about the rising prices of medicines and their prescription drugs. First of all, I must add that the most urgent and important thing I believe we can do here is to enact a meaningful Medicare drug benefit for all seniors. We have it pending, but the Republican leadership will not bring it up and let us vote on it. I think it is a disgrace that we have not acted on this issue before leaving this year.

The drug reimportation amendment, offered by Senators DORGAN and JEFFORDS, which would allow pharmacies

and wholesalers to import FDA-approved prescription drugs, was well intentioned and began as a creative way to try to get lower cost drugs to seniors with important safety precautions. If done correctly, this proposal would have been a real help to seniors, many of whom already travel to Canada and Mexico to buy medications at a fraction of their U.S. price. But not every senior in Iowa or in other States is able to travel to Canada or to Mexico to get those drugs.

Unfortunately, the provision in the bill now is the product of a closed-door discussion. We were kept out. At the last minute, we got some paper handed to us and we voted on it. I believe the authors have rendered it unworkable with language that will prevent any importation of affordable FDA-approved drugs.

In spite of months of bipartisan work to craft this language, the Republican leadership decided abruptly to take a partisan approach that is riddled with loopholes to minimize the impact of the new system. In fact, I think it may be completely unworkable.

The language includes a provision that reads as follows:

The provisions of this section only become effective if the Secretary demonstrates to the Congress that the implementation of this section will: (1) pose no additional risk to the public health and safety; and (2) result in a significant reduction in the cost of covered products to the American consumers.

What does all that language mean? I asked in the conference: What does this mean? How is this to be done? I could get no answer. Unfortunately, the way the language was finally crafted, it may not be possible to "demonstrate" that the public will be adequately protected or to "demonstrate" that prices will be substantially reduced.

The language has other weaknesses in labeling and marketing that I believe undermine its ability both to protect the public from unsafe drugs and to lower costs.

In addition, the language crafted by the Republican leadership requires the program to be terminated after 5 years. This is going to have a chilling effect on any private investment necessary to set up the distribution systems and the lab testing facilities necessary to carry out the program and to make sure they are safe.

In short, the drug reimportation system in this bill is a charade. I hope the American public will see right through this and recognize it for what it is: a figleaf for the Republican leadership, desperate to disguise the fact that they have done nothing this year to enact a meaningful Medicare prescription drug benefit, which really is the only way we can effectively provide access to affordable prescription drugs for our senior citizens.

Mr. President, how much time do I have remaining?

THE PRESIDING OFFICER. The Senator has 10 minutes 45 seconds.

Mr. HARKIN. I yield whatever time he needs of that remaining to the Senator from Minnesota.

Mr. WELLSTONE. I say to my colleague, I will only take 5 minutes if that is all right with him.

Mr. HARKIN. How much time is the Senator going to use?

Mr. WELLSTONE. I would rather the Senator keep some time, so 5 minutes will be fine.

Mr. HARKIN. I have a couple of other things I need to say.

Mr. WELLSTONE. Mr. President, I rise to speak in support of this agriculture appropriations bill. While it is clear there are some significant shortfalls with regard to the prescription drug re-importation issue, which I will speak about later, on balance this legislation will provide much needed help to family farmers, rural communities, and low income families.

I am pleased this legislation includes substantial emergency assistance, \$3.6 billion, directed to family farmers in Minnesota, and across the nation, who are suffering from natural disasters, historically low prices and increasingly concentrated markets which have largely been brought on by the failed 1996 Freedom to Farm Bill, or as I call it the Freedom to Fail Act.

Specifically this legislation will provide \$1.6 billion to producers who have been devastated by lost crops due to natural or weather related disasters. In my state of Minnesota, 7 to 10 inches of rain fell in early June in the Red River Valley, which destroyed what promised to be a bumper crop, and has forced hundreds of family farmers to clean up flood damages for the eighth consecutive year. The Minnesota Farm Service agency tell us that almost 400,000 acres of crops have been destroyed in Minnesota. While crop insurance will cover some of the losses, this additional emergency assistance will be necessary for many family farmers in the region.

This part of Minnesota, largely dependent on a poor farm economy, has been devastated by successive years of floods that have forced many off the farm. And this rain storm affected other areas of my state including localized portions of Southeast Minnesota. Overall twelve counties in Minnesota have been affected by major disasters and experienced major crop losses.

It is vitally important that this disaster aid get out to producers quickly. However, it is also vitally important that we take some action to deal with the root problems in agriculture policy.

As many of my colleagues know, the 1996 farm bill has proven to be a total failure. By destroying any safety net for family farmers and capping loan rates at artificially low levels, the 1996 bill has left farmers vulnerable to the severe economic and weather related events of the past three years, resulting in devastating income losses. And while the premise of the Freedom to Farm bill was to "get the government out of agriculture" the Federal government has been forced to spend more on disaster packages—over \$25 billion—over the last four years than was sup-

posed to be spend through the seven year life of the law.

Again this year, Congress has failed to address the impact of plummeting farm incomes and the ripple effect it is having throughout rural communities and their economic base. I can assure my colleagues that if we do not write a new farm bill early next year, if the only help family farmers get from Washington is unreliable, long delayed emergency aid bills that are distributed unfairly, family farmers are not going to survive.

Family farmers deserve a targeted, counter-cyclical loan rate that provides a meaningful level of income support when the market price falls below the loan rate. Lifting the loan rate would provide relief to farmers who need it and increase stability over the long term. We also need to institute farmer-owned reserve systems to give farmers the leverage they need in the marketplace, and conservation incentives to reward farmers who carry out conservation measures on their land. We need a new farm bill.

In addition to the failed farm bill, I have found that family farmers rank the lack of competitive markets as a major factor to explain the price crisis that is devastating rural America. While there can be no argument that the majority in Congress has failed to pass, or even consider, legislation, such as I and others have proposed, to deal with the rash of agribusiness megamergers, this appropriations bill has taken some positive steps.

Included in this legislation is an increase in the Grain Inspection, Packers and Stockyard Administration's, GIPSA, budget to fund essential programs that ensure competitive markets and fair prices for our independent livestock producers. I am pleased to say that this increase, which I had proposed during Senate consideration of the Agriculture appropriations bill, will result in an increase of \$4.151 million over the Senate approved bill.

As many of my colleagues know, this is essential funding that will help bolster GIPSA's market concentration activities. For several years, livestock producers have expressed their concern over evermore concentrated markets, as well as extreme frustration over what they perceive as inadequate governmental action to ensure fair and competitive markets. Consequently, GIPSA has been asked to assume a more prominent role in ensuring competitiveness and fairness in the livestock industry. GIPSA is conducting a growing number of investigations on market concentration in agriculture, within shorter time frames, using increasingly sophisticated economic and legal analysis.

Examples of what this money will be used for include: anti-competitive behavior investigations; rapid response teams that are utilized for time sensitive issues that require expeditious investigations to protect small family producers; and a contract library that

will be used to catalogue each type of contract offered by packers to producers.

This appropriations bill also contains vital emergency assistance for small independent dairy producers. H.R. 4461 will provide \$473 million in direct income relief payments to family dairy farmers throughout the nation. The money is targeted to small- and medium-scale farms who are in the midst of a price crisis as a result of the wild price fluctuations we have been seeing for the past few years.

Mr. President, in my state of Minnesota, dairy production is truly one of the cornerstones of our economy. We have 8,700 dairy farms in Minnesota, ranking us fifth in the nation in dairy production. The average herd size of a Minnesota dairy farm is about 60 cows. Family agriculture is not just an important element of our states heritage, it is vital to our future. But right now, dairy farmers in Minnesota and throughout the country need relief. Therefore, I am pleased this legislation includes a provision, which I joined the Senators from Wisconsin in proposing, to provide \$473 million in targeted emergency payments to dairy farmers nationwide.

I continue to see the urgency of this is aid, especially as we in Minnesota lose dairy farms at a rate of three per day. This will put money in the pockets of dairy farmers soon, when they need it, not a year from now when many of them will have already sold their cows. However, it is, like last year's funding, merely a bandage to stop the bleeding. Dairy farmers everywhere need meaningful policy reform. In order to achieve a fair, sustainable and stable long term price, we need a dairy price support program that is set at a level sufficient to curb the current market volatility.

In addition, H.R. 4461 contains significant increases in rural development programs to help rural communities make it through these difficult economic times. Furthermore, I am pleased the bill contains a provision I added to provide \$3 million in grants to promote employment of rural residents through teleworking. Telework is a new method of doing work that will allow information technology jobs to be a part of diverse, sustainable rural economies while helping IT employers find skilled workers. Specifically, telework is the use of telecommunications technology, like the Internet, to perform work functions over a distance instead of at the traditional workplace of the employer. This provision will allow rural communities to access federal resources to implement locally designed proposals to use telework as a tool for rural development. This represents a critical opportunity for diversification and revitalization of rural economies.

This bill also takes some important first steps to ensure that all low-income families receive the food stamps they need to prevent hunger and ensure

adequate nutrition. The bill incorporates an amendment I offered to require a study in the next 180 days so we can learn what obstacles families face when they try to get food stamps, as well as why the rolls have declines so dramatically in recent years. There is a growing sense that the Food Stamp Program is not functioning adequately in assisting working poor families and helping to "make work pay." Although eligibility for food stamps is no longer tied to welfare receipt, the dramatic declines in the cash assistance rolls appear to have resulted in large numbers of eligible low-income families failing to receive the food stamp assistance for which they qualify, including many families who have moved from welfare to work. This study will help us understand the kinds of policy and program implementation decisions we need to make in order to better ensure that working poor families in this country are not going hungry.

The bill also includes two provisions from the Hunger Relief Act—one which will raise the vehicle allowance, and one which will raise the shelter cap deduction, for families receiving food stamps. This provision means that working parents who are dependent on a car to get to and from work will still be able to get the food stamps that they need, and parents who spend more than 50 percent of their income on rent because they live in communities that lack available affordable housing will also now be better able to get the food stamps that provide critical nutritional supports for themselves and their children. This is a very important first step, and I now hope that we will see the remaining provisions in the Hunger Relief Act enacted before the end of this session. In particular, it is critical that we restore food stamp benefits to post-96 legal immigrants as soon as possible.

Mr. President, now let me turn to the prescription drug import provision which is included in this conference report. This is legislation designed to correct the injustice that finds American consumers the least likely of any in the industrialized world to be able to afford drugs manufactured by the American pharmaceutical industry because of the unconscionable prices the industry charges only here in the United States.

Mr. President, I meet with many constituents, but none with more compelling stories than senior citizens struggling to make ends meet because of the high cost of prescription drugs—life-saving drugs that are not covered under the Medicare program. Indeed, it is shameful that this Congress has failed to enact a prescription drug benefit under Medicare available to all beneficiaries.

But the issue is not just Medicare's lack of coverage. The unfairness which Minnesotans feel is exacerbated by the high cost of prescription drugs here in the United States—the same drugs that can be purchased for frequently half

the price in Canada or Mexico or Europe. These are the exact same drugs, manufactured in the exact same facilities with the exact same safety precautions. Minnesotans know this because they can drive to Canada and see the price differentials for themselves.

Driving to Canada every few months to buy prescription drugs at affordable prices isn't the solution, nor is it an option for most Americans.

That is why I introduced with Senator DORGAN the International Prescription Drug Parity Act, and with Senator JEFFORDS the Medicine Equity and Drug Safety Act, two bills designed to amend the Food, Drug, and Cosmetic Act to allow American pharmacists and distributors to import prescription drugs into the United States as long as the drugs meet the Food and Drug Administration's (FDA) strict safety standards. Under these proposals, pharmacists and distributors would be able to purchase these drugs—often manufactured right here in the U.S.—at lower prices overseas and then pass the huge savings along to American consumers.

This legislation has evolved quite a bit through the legislative process. Early in that process there had been two constants: bipartisanship in seeking lower prices for American consumers and opposition every step of the way by a pharmaceutical industry bent on preserving profits.

We were on the verge of producing a strong bipartisan final result until the process was hijacked by the Republican leadership. Rather than a bipartisan bill that would guarantee Americans the opportunity to share in lower drug prices which are available everywhere else in the world, Republicans fell in line with the pharmaceutical industry and shut the door on closing loopholes which would protect the rights of American consumers to affordable, safe prescription drugs.

Following after their leadership, Republican members of the Agriculture appropriations conference committee ditched the bipartisan process, jettisoned legislative language that would have assured American consumers access to affordable drugs, and left open for the pharmaceutical industry loopholes that could defeat the purpose of this legislation.

What language was unilaterally rejected by the Republicans? First, was a provision that would have required manufacturers to provide access to their FDA-approved U.S. labels. Currently, when drugs are reimported to the United States by drug companies, they must be relabeled with the FDA approved label. This new provision would have assured other importers access to those required labels. Without that requirement, manufacturers could stonewall importation by not providing the labels. Second, was a provision that prevents manufacturers from entering into agreements with their foreign distributors that interfere with the resale of prescription drugs back into the United States.

Either of these loopholes could prevent the reimportation of prescription drugs, which is why they should never have been allowed to remain in the final bill. The Secretary of Health and Human Services is given broad authority to draft regulations to facilitate importation of FDA-approved prescription drugs, which gives me some hope. But the Secretary's authority does not lessen my outrage or that of my Democratic colleagues about the process which resulted in those major loopholes going unaddressed. It is unfortunate that the productive bipartisanship which had prevailed during the past year to pass this bill was discarded in the last, critical hours.

This needn't have happened. There was an effort when the conference met to close the loopholes, ensuring that the pharmaceutical industry could not make an end run around the effective implementation of this bill. But, given the choice of standing with American consumers, especially America's senior citizens, or the most profitable industry in America, Republicans chose the industry that has sought to undermine this bill from the start.

While I am saddened about the missed opportunity to produce a stronger, water-tight legislative product, I do believe the present bill is an improvement over the status quo, and continues to have the potential for lowering prescription drug prices here in the United States. If however, the pharmaceutical industry takes advantage of the Republican-tolerated loopholes, then I will be back next year with legislation to close those loopholes and make this law work.

Mr. President, again, I intend to support this agriculture appropriations bill. I thank my colleagues on the floor, Senator COCHRAN, Senator KOHL, Senator HARKIN, and others for their very good work.

I speak as a Senator from an agricultural State. I want mention the emergency assistance. It is much appreciated. We have gone through some difficult times. We have had flooding and we have had scab disease, and that on top of record-low prices and record-low farm income, which has led to a lot of economic pain. I thank my colleagues for their very good work.

Second of all, let me especially thank Senator KOHL and Senator HARKIN for their work. I had an amendment on the floor to get some additional money for GIPSA. They helped me in conference committee. I thank Senator COCHRAN as well. I really want GIPSA to be about the work of looking at the problem of concentration of power. So many of our livestock producers are not getting a fair shake. The IBPs and ConAgras of this world are muscling their way to the dinner table and muscling family farmers off the farm. I think it is important that GIPSA be able to look at this whole problem of an increasing concentration of economic and, I argue as well, political power.

Third of all, let me thank Senator KOHL, in particular, for his fine work on some direct income relief payments for dairy farmers. I think we have about 473 million nationwide. We have 8,700 dairy farmers in the State of Minnesota. Again, record-low prices have been a nightmare for these farmers. I thank Senator KOHL for his good work. I am proud to be a part of this.

There is also in this bill a provision that I think is historically significant. It only starts out with \$3 million, and this is going to be done within USDA, obviously. This is going to be a telework program where we will try to set up some models, centers of distance learning, whereby farmers and other rural people with strong ethics and who want to work are going to be able to get training and be connected with information technology companies and find employment at good wages but do it out of farm, out of home, or satellite office—do the telework.

I think this is one of the most important things we have in this bill. I am very excited about it. Many people in Minnesota who transcend all political boundaries helped on this.

Let me also thank in particular Senator HARKIN. He fought it out in conference committee, getting us back to the Food and Nutrition Service—going out there and after 180 days in the field came back with a report telling us why there has been such a steep decline in food stamp participation. The Food Stamp Program is a major safety net program to make sure children do not go hungry. We want to know why there has been such a severe decline in participation. I wish there had been a 30-percent decline in poverty in this country. There has been no such decline. There has been a dramatic rise in food shelters and pantries. We know a lot of people are not getting the help they need.

I thank my colleagues for supporting this issue. I thank Senator KENNEDY for his fine work on the Hunger Relief Act.

Senator COCHRAN has a longstanding commitment to these issues as well.

I think it is important that we do some revisions when it comes to shelters, as well as dependency on car and transportation in allowing more people to be eligible for food stamp assistance.

Finally, on the International Prescription Drug Parity Act, I don't know that I am in complete agreement with Senator HARKIN, but I know what he is saying.

I did this amendment with Senator JEFFORDS and Senator DORGAN, originally. I think when it went to the conference committee there was some effort to make sure we would tighten it up. In particular, I think there is a concern that the pharmaceutical companies will make it difficult, for example, for the Canadians to be involved in a reimportation of those drugs back to this country. I think we could have done better on the language. I think there are too many loopholes.

I am disappointed the way this conference was done. I think this is a step forward. But I would like to have seen much more.

I certainly think you have to have prescription drug benefits added onto Medicare if you are going to really provide the help people need. I think we should have done more.

I thank Senator JEFFORDS for the work he has done on this amendment. I was proud to be a part of it.

We have to write a new farm bill. We have to focus on getting farmers a decent price in the marketplace.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my colleague from Minnesota. We always run out of time around here when we get into a good debate.

THE BONNIE CAMPBELL NOMINATION

Mr. HARKIN. Mr. President, as I have done repeatedly every day we have been here for the past few weeks, I want to talk about the stalled nomination of Bonnie Campbell for the Eighth Circuit Court of Appeals.

I understand the Judiciary Committee of the Senate has again scheduled an executive meeting for tomorrow morning at 9:30 a.m.—I guess to talk about subpoenas for the Department of Energy, and something else.

I had my staff do an inquiry, and I found out that Bonnie Campbell's name is not on the agenda.

We are in session. We are in session tomorrow. We are going to be in Friday. We are going to be here next week, yet the Judiciary Committee again refuses to allow Bonnie Campbell's name to come out for a vote. It is bottled up.

All we want is a vote.

Bonnie Campbell has strong bipartisan support. Both Senators from Iowa support her. Senator GRASSLEY, a Republican; I, a Democrat.

She has great support from law enforcement and service groups. We just had a big debate and an overwhelming vote last week to reauthorize the Violence Against Women Act. Senator after senator got up to speak about how great it was. It has been a good law. It has done a lot of good. The one person who has been primarily responsible for the implementation of that act since its inception has been the head of the Office of Violence Against Women in the Justice Department. Who has that been? Bonnie Campbell. She has done a great job. She is the former attorney general of the State of Iowa, now standing in glory in her own right. Yet her nomination is bottled up in the Judiciary Committee.

I ask again: Why is she being bottled up?

Look. In 1992, when we had a Republican President and a Democratic Senate, we had 14 nominations for circuit court judges in 1992 during an election year. Nine of them had hearings. Nine of them were referred, and nine were confirmed, including one in October right before the election. Yet we are

told no; Bonnie Campbell's nomination came too late. It is too late when we have a Democratic President and a Republican Senate. But it wasn't too late when we had a Republican President and a Democratic Senate.

Nine hearings; nine referred; nine confirmed in 1992. Here we are in the year 2000: Seven nominated; two had hearings; one referred; and one confirmed.

Who is the one who had the hearing that has not been referred? Bonnie Campbell. What a disgrace. What a shame. What a slap in the face to an outstanding individual who has done well in the field of law. I haven't heard anyone—Republican or Democrat—say that she hasn't performed superbly in running the Office of Violence Against Women. Her performance is reflected in the House's 415 to 3 vote to reauthorize the act and the Senate's 95 to 0 vote on that legislation.

I will, as I do every day, ask unanimous consent to discharge the Judiciary Committee on further consideration of the nomination of Bonnie Campbell, the nominee for the Eighth Circuit Court, that her nomination be considered by the Senate immediately following the conclusion of action on the pending matter, that the debate on the nomination be limited to 2 hours equally divided, and that a vote on her nomination occur immediately following the use or yielding back of that time.

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, I knew it would be objected to. But I am going to do it every day to make the point that her name is unfairly being bottled up in the Judiciary Committee. No one has said she is unqualified, or anything such as that.

I can only assume it's that the Republicans figure maybe their nominee will win the Presidency, and all of these will fall by the wayside, and, rather than Bonnie Campbell, we will have somebody else. Maybe that is the way they feel. But that is not the way to run this place.

Once you go far down that road, it may be pretty hard to turn back. Times change. There will be a time when there will be a Republican in the White House and the Senate will be Democratic. Do we want to repeat the same thing this year? Do we want to go down that road? Is that what this place has become? If you start it on that side, that is what is going to happen, because when the Democrats take charge, they'll look back at what happened in the year 2000. We shouldn't go down that road.

ALTERNATIVE DISPUTE RESOLUTION

Mr. LEVIN. Mr. President, we have before the Senate the fiscal year 2001 Agriculture Appropriations conference report (H.R. 4461). Included in this bill is funding which will, among other things, assist our Nation's farmers, aid

rural development, preserve delicate ecosystems and provide food assistance to our Nation's most needy individuals. However, I am concerned about several recent reports conducted by the USDA's Office of Inspector General, and a report by the General Accounting Office (GAO) that criticizes the ability of USDA's Office of Civil Rights to process and resolve civil rights cases in a timely fashion. I recognize that Secretary Glickman has done much to remedy the civil rights problems he inherited when he became Secretary, and I encourage him to continue these efforts.

Mr. TORRICELLI. I share the concerns held by the Senator from Michigan about USDA's ability to address civil right cases in a timely fashion. Failure to resolve civil rights cases involving access to USDA farm programs delays justice and threatens the affected farmer's well-being. The Secretary of Agriculture needs to use his authority to provide independent and neutral alternative dispute resolution (ADR).

Mr. KOHL. Both Senators make important points. The Senate has acknowledged the important role that alternative dispute resolution plays in addressing civil rights matters.

Mr. LEVIN. Both the distinguished Senator from New Jersey and myself have constituents who have encountered significant delays from USDA in addressing their civil rights cases. We want to do all we can to be certain that, when applicable, the Secretary of Agriculture will ensure the Department's participation in an independent and neutral ADR process as expeditiously as possible.

Mr. TORRICELLI. I agree with my good friend from Michigan that the Secretary of Agriculture has the authority to resolve these matters.

Mr. KOHL. I appreciate these comments and agree that this is a serious matter that ought to be addressed by USDA.

#### TELEWORK

Mr. WELLSTONE. Mr. President, will my friend from Wisconsin yield for the purpose of a colloquy regarding the telework provision of the conference report.

Mr. KOHL. I yield to my colleague from Minnesota for that purpose.

Mr. WELLSTONE. The Senate adopted an amendment to the Agriculture appropriations bill that directed \$3 million to be spent for employer outreach, education, and job placement under the USDA/Rural Utilities Service Distance Learning and Telemedicine Program (DLT). The conferees have changed this provision to report language.

We have a tremendous need in our rural communities to take advantage of today's technology and information revolution. I believe, because it essentially allows distance to be erased, telework is a promising tool for rural development and for making rural and reservation economies sustainable. I

would ask my colleague if it is his understanding that the Senate's intent can be carried out by USDA Rural Development under existing authority.

Mr. KOHL. I am happy to clarify this for my colleague. He is correct. The Distance Learning and Telemedicine Loan and Grant Program was designed by Congress to enable rural communities to improve the quality of educational opportunities and medical service. I believe strongly that educational opportunities include worker retraining and transitional education. Applicants can partner with local businesses or businesses considering moving into a rural area. Schools, community colleges, and other teaching institutions partner with the private sector today. Within that mandate, this is a program that is truly limited only by the innovation of the rural communities it serves.

Mr. WELLSTONE. I appreciate this clarification, and I ask my colleagues' indulgence for one further question. Would it also be correct that USDA Rural Development should promote employment of rural residents through teleworking not only through the use of the DLT Program, but also through other programs such as the rural business and the Community Facilities Program? These programs might allow funds to be used to provide employment-related services or high speed communications services which may be necessary to make telework a reality in rural communities.

Mr. KOHL. My colleague is correct. Again, USDA Rural Development should be encouraged to be innovative, within their statutory authority, in making grants for the purpose of promoting telework. In addition, USDA should use rural development programs in a manner that will allow rural communities to best take advantage of the potential of new technology and new methods of doing work, such as telework, in building sustainable, diverse rural economies.

#### WATERMELON SUDDEN WILT DISEASE

Mr. LUGAR. Mr. President, section 804 of H.R. 4461, the conference report on the fiscal year 2001 agriculture appropriations bill, provides the Secretary of Agriculture with emergency authority to compensate growers for crop losses due to new and emergent pests and diseases, including watermelon sudden wilt disease.

Senator COCHRAN, I want to thank you for including watermelon sudden wilt disease in the list of problems addressed by section 804. This disease, which is characterized by wilting leaves and collapsing vines, often results in the death of mature watermelon plants. The disease became a problem in southwestern Indiana last year and has become a much more serious problem in the region this year. Last year, Indiana farmers grew \$11 million worth of watermelons, ranking sixth in the nation. This year production will likely be significantly less. On September 19, 2000 USDA's Farm

Service Agency office in Indianapolis estimated that the disease may be responsible for Indiana watermelon losses of up to \$4.7 million.

Despite ongoing study, scientists at Purdue University have not yet determined what causes the disease, including whether or not adverse weather is a contributing factor. As a result, it appears unlikely that Hoosier watermelon growers affected by this problem will be eligible for assistance under USDA's existing disaster programs or for assistance provided by other sections of the agriculture appropriations conference report. Assistance in these cases is generally limited to weather-related crop losses. As a result, full implementation by the Secretary of Agriculture of the emergency compensation authority provided by section 804 is important.

I must note, however, that section 804 permits, but does not require, the Secretary of Agriculture to provide compensation to growers due to watermelon sudden wilt disease and other new and emergent pests and diseases. Is it the intent of the bill's managers that the Secretary of Agriculture fully implement the authority provided by section 804?

Mr. COCHRAN. Yes, the managers intend that the Secretary of Agriculture fully implement section 804 which provides authority to compensate growers for crop losses due to new and emergent pests and diseases, including Mexican fruit flies, plum pox virus, Pierce's disease, grasshoppers and Mormon crickets, and watermelon sudden wilt disease. Senator LUGAR, as you noted, section 804 is designed to provide compensation to growers for crop losses due to several new and emergent pests and diseases, none of which may necessarily be a weather-related problem. Full implementation of section 804 is necessary for growers to receive compensation for these various problems.

#### FRUIT FLY EXCLUSION AND DETECTION PROGRAM

• Mrs. FEINSTEIN. Mr. President, I rise today with the chairman and ranking member of the Agriculture Appropriations Subcommittee to discuss one of the greatest threats facing California growers and farmers across the nation—infestations of disease-carrying pests which can potentially destroy entire crops. Just this past year, California has been victimized by a number of pest infestations that have resulted in significant quarantine and eradication programs. California's \$1 billion nursery industry is being threatened by red imported fire ants. The \$2.8 billion grape industry faces complete destruction due to an infestation of the glassy winged sharpshooter which spreads Pierce's disease, and there is no known cure.

Mr. KOHL. I am aware of concerns expressed by the senior Senator from California that several months ago a 72 square mile quarantine affecting 1,470 growers of at least 20 specialty crops

was finally removed. I am told that no pre or post harvest treatment for many of these crops was provided by the USDA and that two fruit flies caused almost 150 growers to lose virtually their entire harvest, costing almost \$3 million. The Fiscal Year 2001 Agriculture Appropriations Bill contains language directing the Secretary of Agriculture to use funds from the Commodity Credit Corporation to compensate these growers. I expected that this assistance will be provided in a timely and efficient manner.

Mrs. FEINSTEIN. I appreciate both the chairman and ranking member's willingness to work with me on this issue. Due to this loss of income, a number of growers are currently unable to pay their bills or prepare for next year's crop.

This assistance is desperately needed, but I believe that more emphasis must be placed on preventing future infestations. I am heartened to see that in Fiscal Year 2001, the USDA will hire 17 new agriculture inspectors for the San Diego ports of entry. This is a badly needed first step. We also need to increase the federal investment in California's Medfly Preventive Release Program. If California's fruits were quarantined from all foreign markets because of Medfly infestations, the State estimates that 35,000 jobs would be lost and economic output would be reduced by \$3.6 billion.

Mr. COCHRAN. I understand the challenges facing California's growers. The Administration's budget request of \$31.91 million for the Program earmarks only \$300,000 for equipment and maintenance of the State's Preventive Release Program. The fiscal year 2001 Agriculture appropriations bill provides \$32.61 million for the Fruit Fly Exclusion and Detection Program. The \$700,000 above the Administration's request is to be used to enhance the release program and detection trapping in California.

Mrs. FEINSTEIN. Again, I thank the chairman and ranking member for their courtesy and understanding. On behalf of California's growers, I want to express my appreciation for your efforts to help shield the State from future fruit fly infestations.●

#### AMERICAN HERITAGE RIVERS

Mr. KERRY. Mr. President, I would like to clarify for the record the intent of language included under funding for the National Resources Conservation Service (NRCS) of the Agriculture Appropriation fiscal year 2001 bill. I want to point out that interagency coordination of federal resources is desirable and certainly something many of us have been supporting as a way to eliminate unnecessary activities and spending. We don't want to spend money in Washington duplicating positions and processes. We want money in the field helping local communities. The NRCS "Conservation Operations" and "Watershed Surveys and Planning" funding sections contain specific language that refers to the American Heritage Rivers

Initiative, which is coordinated by an interagency committee to assist communities seeking technical assistance and opportunities for Federal grants. I would like to point out that this initiative has proven to work well for participating communities in my state and others.

Mr. L. CHAFEE. While the language in this conference report places a limitation on assistance by NRCS for activities related to the American Heritage Rivers, it should not be intended to penalize or disadvantage communities that seek or apply for grants and technical assistance. There is no specific limitation in this conference report that would preclude the NRCS from undertaking other authorized activities that are similar to those provided under the American Heritage Rivers Initiative. Would the Chairman and the Ranking Member agree with this interpretation?

Mr. COCHRAN. Yes.

Mr. KOHL. Yes, that is correct.

#### AMERICAN HERITAGE RIVERS

Mr. COCHRAN. Mr. President, the conference report includes funding for American Heritage Rivers program under the Conservation Operations and Watershed Surveys and Planning accounts of the Natural Resources Conservation Service, NRCS. Funding for this program is limited to that requested in the President's budget. It is my understanding that there are communities which are in the final stages of being included in the American Heritage Rivers program, including Vicksburg and Natchez, Mississippi.

It is not our intention to limit these funds to those communities that were included in the program when the budget was submitted. Further, if additional communities are added during fiscal year 2001, they should be eligible for all funds available for the American Heritage Rivers program. Also, technical assistance can be provided, without limitation, by the NRCS to farmers or communities in an American Heritage River designated area.

#### NATIONAL RURAL DEVELOPMENT PARTNERSHIP

Mr. CRAIG. Mr. President, first I would like to thank Chairman COCHRAN and Senator KOHL for the hard work they have put into the Fiscal Year 2001 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill. It is a challenging process, and they have done an excellent job balancing competing interests within the confines of a balanced budget.

I wish to engage in a colloquy with the distinguished Chairman of the Subcommittee regarding the funding for the National Rural Development Partnership (NRDP) and state rural development councils (SRDCs). As you may be aware, NRDP and SRDCs have always depended on allocations of discretionary funds from USDA and four other federal agencies. They have never had a stable and predictable source of funds.

Earlier this year, the Committee on Agriculture's Subcommittee on For-

estry, Conservation, and Rural Revitalization, which I chair, held an oversight hearing on the operations and accomplishments of the NRDP and SRDCs. The Subcommittee heard from a number of witnesses, including officials of the U.S. Departments of Agriculture, Transportation, and Health & Human Services, state agencies, and private sector representatives. The hearing established the need for some legislative foundation and consistent funding. I was recently joined by 27 Senators in introducing legislation to accomplish this.

The legislation formally recognizes the existence and operations of the Partnership, the National Rural Development Council (NRDP) and SRDCs. In addition, the legislation gives specific responsibilities to each component of the Partnership and authorizes it to receive Federal appropriations.

This legislation was not passed in time for the FY2001 appropriations process, so funding is necessary to keep the program viable until the legislation can be passed. Mr. Chairman, it is my understanding that there is no funding earmarked or specified within the Agriculture Appropriations conference report for this program. However, the Secretary has made discretionary funds available for this program in the past and it is my hope he would continue to do so, and that we can encourage him in this regard, until freestanding legislation can be passed.

Mr. BURNS. I would like to join Senator CRAIG in support of the National Rural Development Partnership. This program is extremely important to states like Montana, where we have a large rural population and long distances between our towns. I would hope that the Secretary of Agriculture will continue to fund the NRDP and provide additional funds for the future expansion of this very important program.

Mr. GORTON. Washington state's rural communities have also benefited by the National Rural Development Partnership, particularly those regions that have been forced from their natural resource-based economies. For the sake of those who have come to rely on the NRDP, I would sincerely hope the Secretary of Agriculture would take into consideration the few remaining resources available to these communities when allocating discretionary funds in the future.

Mr. JEFFORDS. I would like to echo my colleagues' support of the National Rural Development Partnership and its affiliates, state rural development councils. These councils, in Vermont and over 35 other states, are playing an important role bringing together the many governmental and non-governmental entities that work to improve conditions in rural areas. I sincerely hope that Secretary of Agriculture will continue to support this program while authorization legislation is finalized by the Congress.

Mr. COCHRAN. I commend the Senators for their interest in this program.



I want to assure the gentlemen that it is the Committee's belief that the Secretary of Agriculture should continue to provide funding from discretionary amounts for this program.

THE INITIATIVE FOR FUTURE AGRICULTURE AND  
FOOD SYSTEMS

Mr. HARKIN. Mr. Chairman, I note the language in the bill specifying certain institutions that may receive grants under the Initiative for Future Agriculture and Food Systems. I would ask the distinguished chairman if it is his understanding that the program may continue to be carried out in the same manner as during fiscal year 2000 as authorized by law.

Mr. COCHRAN. This language does not intend to create any additional restrictions beyond the restriction on which institutions are eligible to receive grants.

SOLID WASTE MANAGEMENT GRANT PROGRAM

Mr. WELLSTONE. Mr. President, I ask consent to engage in a colloquy with my colleague, Senator KOHL, the ranking member of the Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies. In particular, I would like to discuss the Department of Agriculture's solid waste management grant program, funded as a line item within the utilities section of the Rural Community Advancement Program. Authorized in section 310B(b) of the Consolidated Farm and Rural Development Act, these grants allow public agencies and nonprofit organizations to provide technical assistance to local communities for reducing water pollution and improving solid waste management.

I ask the Senator, whose State is a neighbor of mine, whether he agrees with, and whether it is his understanding that the subcommittee would support, my urging USDA to direct up to \$1 million of the solid waste management grants to the regional, nonprofit, technical assistance organizations known as Rural Community Assistance Programs. These organizations have done an outstanding job serving the smallest, poorest and hardest to serve rural communities in the Midwest and across the country. The Rural Community Assistance Programs are key partners within USDA's Rural Community Advancement Program. Their nationwide network of technical assistance providers—serving water and wastewater system needs for thousands of rural communities—is highly qualified and well placed to improve the effectiveness of rural solid waste management.

For example, the regional Rural Community Assistance Program which serves my State of Minnesota is the Midwest Assistance Program (MAP). Based in New Prague, MN, MAP serves nine midwestern States. The organization has carried out solid waste projects in collaboration with USDA, the Indian Health Service, and with individual tribes in communities throughout the region. MAP is now beginning to target assistance to Min-

nesota communities for the development of small transfer stations, to improve recycling and better manage solid waste.

Mr. KOHL. Mr. President, I appreciate the Senator's attention to this issue. He is correct to point out the positive role of the Rural Community Assistance Programs in helping carry out this and other important activities in rural areas. The Senator is aware that the President requested \$5 million for these solid waste grants for fiscal year 2001. But whereas there is a general acknowledgment of the effectiveness of the program, we are able to fund the program only to a level of \$2.7 million in this bill, due to broader fiscal constraints. In view of that limitation, I think the Senator is correct to urge the Department to give special consideration to those very small, often poor, rural communities which can be the hardest to serve. For that reason, I agree, and I believe the subcommittee would agree, that the Department should be urged to consider directing up to \$1 million of the solid waste grants to the regional Rural Community Assistance Programs, which have an excellent record of serving such communities.

Mr. DODD. Mr. President, I rise today to speak once again about the Agriculture appropriations conference report, and specifically to comment on two major provisions that cause me grave concern. One relates to several aspects of U.S.-Cuba policy, and the other to the reimportation of prescription drugs from abroad. I spoke on October 6, when the language first became public, at some length about my opposition to the Cuba provisions in the conference report. At that time, I also expressed support for other provisions of this legislation that dramatically loosen the licensing and financing restrictions on sales of food and medicine to other countries that have been designated as terrorist states—North Korea, Iran, Sudan, and Libya.

I continue to find it appalling that Cuba has been singled out for more restrictive treatment than the other countries I have just mentioned, who are far more of a potential threat to U.S. foreign policy and national security interests than Cuba has ever been.

I would call my colleagues' attention to a remarkable photo that appeared on the cover of the New York Times on October 11. This photo showed President Clinton meeting with high ranking North Korean General Jo Myong-Nok—the first official meeting of its kind in more than 50 years. The purpose of the general's visit to Washington was to begin a dialogue on ways to enhance relations between our two countries. Secretary Albright has announced she will visit North Korea in the next several weeks. And I won't be surprised if President Clinton also decided to go there before leaving office. How the world has changed.

Let me be clear. I am not opposed to diplomatic efforts to ease tensions on

the Korean Peninsula. But I think it is fair to say that North Korea, with its missile programs and hostile government, represents a much greater threat to the United States than Cuba. Cuba no longer seeks to export revolution to its neighbors and is no longer financed by the Soviet Union. Yet there have been no high level meetings of Cuban and American officials held to explore the possibility of improving relations between two close neighbors. In fact, it has been quite the opposite—no one above the rank of Deputy Assistant Secretary in our government can visit Havana or conduct discussions with Cuban officials about such matters. To say that our policy is incredibly skewed when it comes to matters related to Cuba is an understatement.

Emotions and raw domestic politics prevent us from having normal discourse with a small island 90 miles off our coast while, at the same time, we are trying to normalize relations with communist North Korea. A contradiction? I think so.

We cannot have our cake and eat it too. By singling out Cuba for highly restrictive treatment, while throwing the door wide open for countries like Iran and Sudan, we are casting ourselves as hypocrites in the realm of foreign policy, and we are arbitrarily rewarding one oppressive regime while castigating another.

American farmers will not be deceived for very long by supporters of this language who are assuring them that they will indeed be able to sell their crops in Cuban markets. It will quickly become apparent the first time they try to put together a deal that the complexity of the law makes it virtually impossible to complete a sale to that country.

Furthermore, the codification of existing travel restrictions on Americans wishing to travel to Cuba is shameful and irresponsible. By passing this bill, we take away the administration's discretion to grant licenses on a case-by-case basis in circumstances that do not fall into the now codified categories of permissible travel, significantly harming our ability to work to change Cuban society. These restrictions are unfair, hypocritical, and inexplicable to average Americans who believe that their right to travel is a fundamental freedom enshrined in the Constitution.

I also take issue with another major provision that was jammed into this legislation by the Republican leadership—I am speaking of a provision which will allow the reimportation of pharmaceuticals from foreign countries back into the United States. This provision is of concern for several reasons, not the least of which is that it ignores the larger question of whether Congress is going to give all seniors an affordable, reliable drug benefit through Medicare. This provision is far from a comprehensive solution to the very real problem millions of seniors face all over the country in affording their medicines. It is my hope that the

enactment of this legislation does not distract us from working toward the goal of providing all seniors with real Medicare drug coverage.

Having laid out my objections, I must state that I am prepared to vote for this bill because it contains funding for many programs that are beneficial to American families and American farmers. These provisions include financial relief for hard hit farmers who have suffered economic and natural disasters, funding for the Women, Infants, and Children Program for school lunches, and food stamps for our less fortunate. These are all vital programs and deserve the support of this body.

The situation we find ourselves in today speaks volumes about those who would slip objectionable language into a bill as important as this one and put in jeopardy its passage. Fortunately, the legislative process does not end with the passage of a single bill. Next year I will be back in this Chamber seeking to put our relations with the Cuban people on the same footing as those of other peoples around the world, and to restore every American's right to travel freely—even to Cuba if they so choose. I will also be working to enact truly meaningful legislation that will ensure that prescription drugs are available and affordable for every American family. These issues are not going to go away with the adjournment of this Congress and in time, reason will prevail on these matters. The American people will demand it.

Mr. CRAIG. Mr. President, I rise in support of the FY2001 Agriculture Appropriations bill. First I would like to thank Chairman COCHRAN and Senator KOHL for the hard work they have put into the Fiscal Year 2001 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill. It is a challenging process, and they have done an excellent job balancing competing interests. While I don't agree with everything in this bill, I believe this bill provides vital funding for several programs in my state and across the nation.

This conference report includes much needed emergency spending to deal with the fires and drought in the West. As you all know, the West was hit hard this year by wild fires. In Idaho alone over 1.2 million acres were burned. I visited a ranch where, within a couple of hours time period, a fire had destroyed the rancher's business. Of this rancher's 800 head of cattle, close to 600 were killed or had to be destroyed because they were so badly burned. I think this is an emergency, and it is only right that Congress provide funding to assist producers who have been impacted by such a natural disaster. That is why I support the livestock indemnity payments included in this conference report. Ranchers that were lucky enough to get their cattle out of the fires path are now searching for feed for their cattle and are working to rehabilitate the pastures that were de-

stroyed. This conference report helps them by providing livestock feed assistance, as well as Emergency Conservation, Watershed and Flood Prevention Operations and Pasture Recovery Program funding to help defray the costs of rehabilitating the pasture lands. I also support this.

However, I do not believe that all of the spending called emergency in the conference report is really emergency. I am disappointed to see the size of the emergency spending as well as some of the authorizing contained in this conference report. This and some of the other bills represent a bad omen for the future. We need to have a realistic budget resolution every year and we need to enforce it. We need fiscal discipline to maintain an adequate surplus. We will need that surplus to protect and modernize Social Security, to save and reform Medicare, to meet high priorities we know will be there in defense and other areas, and to provide some relief to the most heavily taxed generation in American history.

The bills we are considering at the end of session do not represent a disaster but they are a bad start in terms of planning for our future. I am not pointing fingers. I think our current process is not responding well to the new idea of surpluses. But we need to start now to do a better job.

I am also concerned with some of the legislative provisions contained in this bill. I do not support a rollback of welfare reform, and I am concerned that some of the provisions contained in this conference report are a start at doing just that. While I am strongly opposed to these provisions, this bill contains many things that benefit my state as well as help that is sorely needed. On balance, I have been forced to conclude that I cannot, in good conscious vote against this bill even though I do not agree with each and every item included in this conference report.

I hope the Senate passes this bill today and the President signs it into law. However, I hope that we will reform the process so next year we are not in the same situation we find ourselves in today.

Mr. HARKIN. Mr. President, I would like to make a few more points on the hunger relief provisions.

The centerpiece of this package would allow states to reform their treatment of cars and trucks when determining whether a household meets the food stamp resource eligibility limits. Rural families need to look for and travel to employment, to get groceries, and for a host of other purposes. Rural roads and seasonal driving hazards make a dependable vehicle a real necessity. Particularly in an era of welfare reform, we should not be forcing households to choose between reliable transportation and needed food assistance, as current rules effectively do.

States have recognized this, and a great many of them have greatly reformed their treatment of cars in their

TANF-funded programs. This is particularly true of the first car that a household has. Under this provision, states would be free to apply a more realistic TANF policy to a household's primary vehicle even if its policy is to exclude that vehicle completely from evaluations of the family's resources. If the household had an additional car or truck and its TANF policy was stricter than food stamp rules for second vehicles, that additional car or truck should then be evaluated under the usual food stamp procedures.

This change in the law gives a state the broadest flexibility to adopt a policy that effects vehicles from any assistance program it operates under the TANF statute. The Secretary has appropriately interpreted similar language already contained within the Food Stamp Act as applying to any program that receives support either from federal TANF block grant funds or from the funds that the TANF statute requires states to spend as "maintenance of effort" in order to draw down the TANF block grant. A similar construction is appropriate here. All that would be required is that the program get TANF block grant or maintenance of effort funds that it provide a benefit that can meet the definition of assistance, not necessarily cash assistance. For example, a state could apply the policy it uses in a child care program because HHS's regulations define child care as assistance when provided to non-working families.

Once a state decided to apply the policies from a state program to evaluating cars for food stamp purposes, those policies would apply to all food stamp households in the state, whether or not they receive or even are eligible to receive TANF benefits of any kind.

The other Hunger Relief Act provision would raise the cap on the food stamp excess shelter cost this March and then adjust it for inflation beginning October 1, 2001. The shelter deduction reflects the commonsense principle that the same money cannot be spent on both housing costs and food. It provides that when a household is spending more than half of its income on food or mortgage, utilities, and similar costs, the amount of those costs that exceed half of its income will be deducted when calculating how much the household can be expected to be able to spend on food. The shelter deduction is also important in rural America, in part because fewer people in rural communities receive housing subsidies and in part because housing costs can easily exceed half of the relatively modest wages that some low-income families receive in rural areas.

Unfortunately, the shelter deduction is arbitrarily capped at \$300 for households that do not contain an elderly or disabled member. This means that low-income families that are not getting housing subsidies and that are struggling under the burden of extremely high shelter costs are getting unrealistically low food stamp allotments.

This provision should help, in particular by making sure that the cap does not lose ground to inflation. I hope that in reauthorization, we can revisit this issue and fully provide fair and equitable treatment to these hard-pressed households the vast majority of which have children.

Mr. DORGAN. Mr. President, I want to take a few moments to share my thoughts on the prescription drug reimportation provision included in the Agriculture appropriations conference report before the Senate. As my colleagues know, I have been concerned for a long while that American consumers are charged two to three times more for prescription drugs than consumers in other countries pay. In fact, in June of 1999, I introduced bipartisan legislation, the International Prescription Drug Parity Act, to address this unfair pricing situation by allowing U.S. pharmacists and drug wholesalers to reimport FDA-approved prescription drugs from other countries at a fraction of the cost.

Ten months ago on a cold, snowy day, I accompanied a group of North Dakota senior citizens and pharmacists on a trip to Emerson in Manitoba, Canada. Emerson, Canada, is a tiny one-horse town just 5 miles from the North Dakota-Canadian border. In Emerson, I watched as my North Dakota constituents saved hundreds of dollars each on the exact same prescription drugs available to them in the United States.

One of the folks who went with me was a 70-year-old Medicare beneficiary from Fargo, ND, named Sylvia Miller. Sylvia has diabetes, heart problems, and emphysema, and she takes at least seven different medications each day for her various ailments. Sylvia told me that last year she received \$4,700 in Social Security benefits and paid \$4,900 for her prescription drugs. "Things don't add up, do they?" she asked.

By making the short trip across the border to Canada, Sylvia was able to cut her monthly prescription drug bill in half. As Sylvia said in a Fargo Forum article about this trip, "It sure would be nice if I could just go over to my own drug store and get those prices."

Sylvia couldn't be more right. No American should be forced to travel to Canada or Mexico just to get more affordable prices for his or her prescription drugs. Yet a prescription drug that costs \$1 in the United States costs only 64 cents in Canada, 65 cents in Great Britain, 57 cents in France, and 51 cents in Italy. Those price differences compel many senior citizens who are struggling to pay for their medications and make ends meet to leave the United States to get lower prices elsewhere.

Time and again over the last several years I have been asked by North Dakota consumers why the global economy doesn't work when it comes to prescription drugs. Why can't local pharmacists travel to Canada to buy these same medications at the lower

prices and pass along the savings to their customers? Good question.

The answer is that, under current Federal law, only the pharmaceutical manufacturers can reimport prescription drugs into the United States from another country—even though these drugs were originally made in America and approved by the Food and Drug Administration. The lack of competition in the U.S. marketplace has created a situation in which the big drug companies can charge American consumers the maximum the market can bear. And if their 18 percent profit margins are any indication, that is exactly what the drugmakers are doing.

During the Senate's debate on the Agriculture appropriations bill, Senator JEFFORDS and I, along with Senators WELLSTONE, GORTON, and others, offered an amendment to allow U.S. pharmacists and wholesalers to reimport FDA-approved prescription drugs from Canada, Mexico, and other countries where these medications are sold at a fraction of the price. Our amendment included appropriate safeguards to ensure that only safe and effective FDA-approved medications, made in FDA-approved manufacturing facilities and for which safe handling could be assured, would be imported. This amendment was passed overwhelmingly by the Senate by a 74-21 vote.

The House also overwhelmingly passed amendments to the Agriculture bill back in July that would have allowed for prescription drug importation, although without the safety measures adopted in the Senate. Normally at this point, a House-Senate conference committee would have begun meeting to iron out the differences between the House and Senate bills. This year, however, most of the details were worked out behind closed doors and without the involvement of most of the members of the conference committee. As a result, many of us who have been working on prescription drug importation legislation for nearly 2 years were shut out of the negotiations.

I am very disappointed with the route that the House and Senate leadership took to develop the final reimportation language. When the Agriculture Appropriations Conference Committee, on which I served, met, the conferees were presented with final language that had been negotiated largely among only the House and Senate majority leadership. While this language is similar to the Jeffords-Dorgan amendment passed in July, there are some changes in the language. Some of these changes represent improvement, but some changes were not made that should have been.

I share in my colleagues' disappointment that some of the changes that I and others proposed, which would have improved this provision, were not included in the final language. After the Senate passed the Jeffords-Dorgan amendment, a few changes were

brought to our attention that would help to ensure that our amendment meets the goal of achieving lower prices for American consumers. Therefore, during the conference, I tried to strengthen the final language in a few key areas.

The changes I proposed would have provided greater certainty that this approach would meet my goal of lowering drug prices for American consumers, but unfortunately they were rejected. First, the FDA suggested, and I agreed, that we should require the drug companies to provide importers with the FDA-approved labeling. I think it is pretty indisputable that I, as well as the other authors of the various prescription drug importation bills, intended all along for imported products to be FDA-approved, including having the appropriate labeling. I would prefer that the final provision make this explicit. However, I believe the final language, which gives the Secretary of Health and Human Services new authority to do whatever she believes is necessary to facilitate importation, provides the needed authorization to accomplish this end through the regulations implementing importation. It is my hope that the Secretary who implements this provision will write strong rules to ensure that reimportation will succeed in giving Americans access to safe, cost-effective medicines.

Second, Congressman WAXMAN and others pointed out that drug companies could prevent reimportation from occurring by requiring their foreign distributors to sign contracts promising not to re-sell their products to U.S. importers. To address this concern, the final provision includes language not in the original Jeffords-Dorgan amendment to prevent the drugmakers from entering into agreements with their distributors that would have the effect of preventing reimportation. Here, too, I wish that this language were stronger and broader, and I unsuccessfully proposed strengthening it.

I have no doubt that the drug companies are already searching for ways to thwart this legislation. If the drug manufacturers do take steps to clearly and purposefully circumvent this legislation, I personally am committed to closing any loopholes or taking another tact altogether to achieve fairer drug prices for American consumers.

Let me make one final point. I think this legislation sends an important message to the big drug companies that Congress will no longer tolerate unfair prescription drug prices. But this legislation is just one step, and it is no substitute for adding a prescription drug benefit to the Medicare program.

I have been saying all along that we have a two-prong problem with prescription drugs in this country. First, prescription drugs cost too much, and I have been fighting for a strong reimportation provision so that we can put pressure on the drug companies to lower their prices. Second, there are

too many Medicare beneficiaries who have no prescription drug coverage, and they need it. When the Medicare program was created in 1965, prescription drugs weren't the significant part of the practice of medicine that they are today. Congress must modernize the Medicare program by creating a prescription drug benefit in Medicare, and we should do it this year.

Mr. BROWNBACK. Mr. President, I rise today to put on the record my concerns about numerous provisions contained in this year's conference report of the Ag appropriations bill. Specifically, I am greatly concerned that this year's bill single-handedly turns back a number of reforms made by the 1996 farm bill and moves us further away from an agriculture policy that looks to the markets rather than government for survival. The danger of following such a philosophy is that government is not likely to have the will to sustain the ag industry indefinitely, so that when the political will to support agriculture dries up, there will be massive calamity.

There are legitimate ag emergencies occurring in the country right now. My family is still on the farm, Kansas is the 4th largest agricultural-producing state in the Nation—and I myself served as Secretary of Agriculture for the State of Kansas before coming to the U.S. Senate. I am not here to find fault with providing additional aid to farmers. Indeed, it is in our national interest to do so. My problem is not with the concept of government assistance to farmers—but rather in the shape this assistance is beginning to take—especially this year.

Specifically, I am referring to the treatment of pet commodities like sugar and tobacco—which have been exempt from the market-oriented reforms faced by most other commodities—including the wheat growers of my state, for example. These reforms were set forth in 1996 to move farmers closer to the market. Some of my Democratic colleagues have accused us of abandoning a financial safety net for farmers—I don't see how they can honestly make that claim since farm spending has gone up dramatically since the '96 law was enacted. The Congressional Research Service notes that program payments combined with emergency spending for calendar year 1999 reached \$22.7 billion—the highest ever and we have continued to provide substantial support to our farmers in 2000—well above that which would have been allowed under previous farm bills. If this conference report merely continued this tradition of backing up the market-reforms of the 1996 farm bill, I would have no problem—but this conference report takes serious steps to undermine those reforms—and that is wrong.

This conference report contains a provision to change the 1996 farm bill language on marketing loans for sugar—now, instead of having to meet a certain threshold, non-recourse loans

will be guaranteed for the next two years. This clears the way for additional payments to sugar producers on top of an already complex quota system which allows them to control the amount of imported competition. We don't do this for wheat, corn or soybeans—we should not do it for sugar.

One of the most egregious parts of this bill is language which will promote increased tobacco production from the same government which is trying to decrease domestic demand for tobacco products.

Currently, co-ops can and do purchase low quality or remaining tobacco not bid on by cigarette companies in order to artificially keep the price high. This bill will now allow the co-ops to then sell, this inferior tobacco to the government (through Commodity Credit Corporation funds). This measure is estimated to cost the government \$510 million and cuts out flute-cured tobacco grown in North Carolina—which means there will likely be a similar fix that doubles the cost to the taxpayer.

After obtaining this left-over tobacco, the U.S. is not allowed to market this tobacco domestically for fear of displacing the controlled market and we will not be able to unload it on the world market due to restrictions about exporting tobacco and the already high amounts of world production that are much cheaper than this U.S. price-inflated tobacco—especially since this is the inferior "left-over" tobacco.

To make matters worse, this language prevents this government action from affecting the quota limits for tobacco growing. This means that once the oversupply is wiped out by selling excess tobacco to the government, tobacco quotas will increase and allow for the growing of more tobacco—which will lead to the need for another bailout next year.

For no other commodity do we have a situation like this: the U.S. government actively encourages a reduction in the use of tobacco, particularly by children—and now the same government is going to subsidize and encourage expanded tobacco production. This is one of the worst market-distorting abuses I've ever seen—at a time when we have repeatedly told farmers of most other commodities to turn toward the market and adjust to the new world economy.

Unfortunately, the Senate does not have the opportunity to vote on these measures—we are forced to vote for these offensive programs because they are tied to an agriculture appropriations bill which is so important to our Nation—which provides a measure of unilateral sanctions reform many of us in this body have fought for—for years. This is no mistake—the numerous faulty measures contained in this bill were added at the last minute in conference—precisely because they would never pass on their own, nor should they.

It is truly a disappointment that the conference report to such an important bill contains the very means to undermine the market reforms this Congress has pushed for, because of the interests of a few.

This bill is a very important one—and just as the conference predicted, it is too important for me to vote against—but I felt compelled to express my frustration, and my disappointment in this process—and the hypocrisy it creates.

Mr. MCCONNELL. Mr. President, I want to express my support for the FY 2001 Agriculture Appropriations bill and offer my support for the prescription drug reimportation provisions included in this conference report. While I do not believe the provisions are perfect and I continue to have grave concerns about the so-called "non-discrimination" language, I believe this final product represents a good faith compromise which will meet the needs of the American people.

However, I would like to emphasize that my support for reimportation was and remains contingent upon the legislation specifically ensuring that any prescription drug reimported from another country meets all of the United States' safety standards. In other words, our citizens must remain confident that their prescriptions will be filled with products that are safe and effective. In particular, I am pleased that under these provisions, FDA must issue regulations requiring that reimported products be FDA-approved drugs that meet all of the conditions of the New Drug Application, or NDA. It is especially important to maintain our gold standard of drug quality, that all such products comply fully with what FDA calls the "chemistry, manufacturing, and controls" portions of the NDA. Compliance with these requirements assures that the drugs not only have the necessary ingredients but also have been manufactured according to the same specifications as the domestic drug product, and the same high-quality process.

I respectfully ask unanimous consent that several letters outlining concerns similar to mine be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON COMMERCE,  
*Washington, DC, September 28, 2000.*

Dr. DAVID A. KESSLER,  
*Dean, Yale University School of Medicine,  
New Haven, CT.*

DEAR DR. KESSLER: On June 29, 1999, you were kind enough to write me regarding the dangers of weakening provisions of the Prescription Drug Marketing Act (PDMA). I am now in receipt of your recent letter to Senator Dorgan, which is supportive of significant changes to PDMA. I continue to see real risk in making those changes, so I would appreciate your insight as to how safety can be assured.

Your June letter cited my multi-year subcommittee investigation of re-imported prescription drugs which demonstrated that

adulterated, misbranded, and counterfeit drugs were entering the U.S. market, posing as American-made. You noted that the problems found in our investigation were addressed by PDMA provisions designed to prevent the "introduction into U.S. Commerce of prescription drugs that were improperly stored, handled, and shipped" and to reduce "opportunities for importation of counterfeit and unapproved prescription drugs." Your letter went on to state, "In my view, the dangers of allowing re-importation of prescription drugs may be even greater today than they were in 1986. . . . I know of no changed circumstances that require either a shift in FDA policy or the passage of legislation to repeal PDMA's prohibition on re-importing drugs. Furthermore, I believe that such a repeal of change in policy would re-create the substantial public health risks PDMA was designed to eliminate."

Your September letter now says, "if FDA is given the resources necessary to ensure that imported, FDA-approved prescription drugs are the authentic product, made in an FDA-approved manufacturing facility, [you] believe the importation of these products could be done without causing a greater health risk to American consumers that currently [exists]." Unfortunately, much of your confidence seems to not only be dependent on whether FDA will in fact receive those additional resources, but also whether FDA can in reality undertake the very tasks that were not being done before the PDMA was signed into law.

While FDA has indeed argued that it will need substantial additional resources to undertake this monumental new task, I am not convinced it has done a thorough analysis of what this undertaking will actually cost. For example, while FDA has provided the Committee with a cursory three-page document on expected budgetary needs (approximately \$23 million for the initial ramp-up years, and approximately \$90 million for succeeding years), I remain concerned at the lack of specificity in FDA's effort. When asked by Committee staff for the actual work papers supporting the assumptions made in this document, staff was told that no such supporting documents even exist.

Moreover, certain FDA assumptions reveal other concerns. For example, on page two of its document, FDA mentions that, "[g]iven the expectation that criminal activity will increase with implementation [of the proposed plan], it is expected that investigations and other supporting laboratory work would increase." FDA clearly recognizes that additional criminal elements will attempt to undermine the very "medical armamentarium" you refer to in your letter.

In short, Dr. Kessler, the caveats in your letter raise several questions on which I would appreciate your help:

(1) A June 8, 2000, hearing by the Subcommittee on Oversight and Investigations of the Committee on Commerce revealed that FDA is now substantially behind in their inspections of foreign firms that ship drug products into the U.S., and that much of this lag can be attributed to the same resource constraints that plagued your tenure at FDA. You point out that the success of the proposed legislation hinges directly on whether FDA is properly funded. Did the FDA adequately fund foreign inspections during your tenure as Commissioner? Do you believe FDA will actually receive the full amount necessary to competently address the burdensome new tasks imposed by this legislation, particularly given that FDA is already not afforded enough resources to presently oversee the production, movement, and final delivery of drug products now sent to the U.S. from foreign sources? What might happen if sufficient resources are not available?

(2) On a recent trip to China to investigate issues relating to both FDA foreign inspections and pharmaceutical counterfeiting, committee staff were told by several security officials that counterfeit material is often mixed into shipments of legitimate products, as an additional tactic to elude regulators. Thus, rather than entire shipments being counterfeit, in some cases, only a part of a total shipment may be illegitimate. Would batch testing which is what the proposed legislation envisions as the primary test to determine authenticity, be a reliable method for protecting the U.S. consumers from potentially rogue and dangerous counterfeit drugs? If a batch test were only to test the legitimate product, how, under this legislation, will a portion of counterfeit material be detected? Is there a methodology for doing this? Finally, FDA has long argued that quality assurance cannot be "tested" into a system (hence, the purpose behind the current foreign inspection program), which is why they have rejected batch testing as a final test for finished product and bulk materials sent to the U.S. Do you believe that batch testing will suitably meet the same stringent safety requirements long relied upon by the agency?

(3) As you are aware, the PDMA, and the implementing regulations established standards for storage and handling of medicines as they move from a manufacturer to a retail pharmacy. These provisions were enacted because pharmaceuticals are very sensitive to various environmental factors, and drugs are thus packaged under controlled conditions. Storage of pharmaceuticals under extreme environments, as you know, can lead to premature deterioration of the drug. As the testing requirements for product degradation called for in the Jeffords amendment will provide information on drug potency at the point a test is conducted (and not across the shelf life of the drug), there is no guarantee that a product imported from another country will arrive with roughly the same shelf life as envisioned by the manufacturer. If drug products have been subjected to temperature extremes while being shipped or stored, or are improperly repackaged, the medicines could not be guaranteed to meet its specifications up to the expiration date. On the recent trip to China, committee staff was told by a security official that he has seen one batch of drug product literally circle the globe several times, over the course of more than a year, including being stored in temperatures in excess of 40 degrees centigrade, before ultimately being bought by an importer. Imported drugs will require repackaging and relabeling (so that the imported product conforms with an FDA-approved and required dosage form, packaging, and product labeling for the American market), so there is a very real chance that an American patient will unknowingly receive pharmaceuticals that are not fully efficacious because of premature loss of potency. Do you agree with this assessment? Specifically, how can these very real and potentially dangerous possibilities be dealt with in this legislation or its implementation, so that we can ensure that the health and well-being of American patients is not compromised?

(4) As you know, in the United States, pharmaceutical recalls are initiated by manufacturers because a manufacturer can quickly and efficiently, through its wholesale distribution system, located products. In the case of imported drug products under the proposed amendments, a manufacturer may not have a systematic way of knowing where a drug originated, or even if a product has been transhipped to multiple countries before entering the United States. The Jeffords amendment allows not only for a drug

to be shipped through multiple foreign locations, but also for a drug to be transferred among any number of intermediaries. Because of the likelihood of repackaging, it is not even certain that the product will be labeled with the original manufacturers lot number. How can a manufacturer's recall be administered efficiently and effectively under these new conditions?

I appreciate your attention to this matter. In light of the major public health implications associated with loosening reimportation restrictions, I daresay that we will be corresponding well into the future on these issues.

Sincerely,

JOHN D. DINGELL,  
*Ranking Member.*

SEPTEMBER 20, 2000.

Hon. JOE SKEEN,

*Chairman, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, Committee on Appropriations, Washington, DC.*

DEAR JOE: As you know, the House adopted two amendments to the Agriculture Appropriations bill relating to the reimportation and importation of pharmaceutical products from abroad. I voted against both these amendments and remain concerned about the potential impact of these proposals on the health and safety of American consumers and the future integrity of the U.S. drug supply.

While the House amendments were characterized as simply providing for the personal importation of pharmaceuticals for personal use, they actually go beyond this to reverse longstanding policy in this regard. In my view, such an important change with implications for American consumers should not be implemented through the appropriations process. Such changes warrant careful thought and deliberation through the regular legislative process.

I recall the congressional investigation in the mid-1980's that led to the enactment of the Prescription Drug Marketing Act and current ban on pharmaceutical reimportation. At the time, there was considerable evidence of both the counterfeiting and diversion of pharmaceutical products outside the United States. I do not believe that the situation has changed. In fact, it may have become worse with the advent of Internet purchases. I agree that seniors need help paying for their prescription drugs, and voted for our plan to do that. But now is not the time to weaken the rules that have protected American patients for more than a decade.

I urge you to address these concerns by dropping these provisions from the Agriculture Appropriations bill in conference.

With best personal regards,

Sincerely,

BILL ARCHER.

Mr. HATCH. Mr. President, I appreciate the many long hours of work by my colleagues on the Agriculture Appropriations Subcommittee to develop this legislation. I admire the efforts of my friend and colleague, Senator COCHRAN. I believe we all owe him our gratitude for his leadership on behalf of our nation's agriculture industry, including its small family farmers and ranchers. I am well aware that putting these bills together is never easy and seems recently to be an almost thankless task.

There is much in this bill worthy of enthusiastic support. I am particularly pleased that the conferees have included a number of provisions that will

benefit farmers and ranchers in the West.

For example, the entire West will benefit from pasture and forage research that is funded by this bill. The information we obtain from this Utah State University program not only makes our livestock producers more efficient, but also contributes significantly to the health of our pasture lands in the West.

Another important contribution to research in the conference report is the funding for Utah State's Poisonous Plant Laboratory. The effort to fight noxious weeds in the U.S. will receive a significant boost as this important facility is finally upgraded. Some people chuckle when they see a program to fight noxious weeds. But, I can assure my colleagues that this is no joke. If you have ever seen a crop overrun with these weeds, you would know that we need to continue our research efforts to come up with safe and effective means to fight them.

The environment also benefits by this bill's continued funding for the Colorado River Basin Salinity Control Program. This is particularly important to farmers within the vast Colorado River Basin, who must shoulder much of the burden for minimizing agricultural runoff into the Colorado River. The Salinity Control program is good for farmers, good for the environment, and good for the fish species in the river.

Also important to Utah agriculture, Mr. President, is the funding this bill provides to compensate farmers for losses due to the infestation of grasshoppers and Mormon crickets. For the last couple of years, farmers in Utah and other Western states have faced one of the largest infestations on record. I am very pleased that Congress has seen fit to provide these farmers with relief. You wouldn't think that these little insects could do so much damage, but they do. This funding is important to those in my state who have suffered terrible losses.

Finally, Mr. President, I have often reminded my colleagues that Utah is the second driest state in the Union. Utah's farmers understand better than most that water equals life. For that reason, I am pleased that this bill will help to protect the Long Park Reservoir by providing technical and financial assistance to shoring up this important source of water.

Mr. President, these are just a few of the programs funded by the conference report that will benefit Utah's farmers.

I am also proud to say that I worked with Senator COCHRAN and Senator DURBIN to increase the amount of funds available in FDA's Office of Generic Drugs. When generic drug applications languish at FDA, it is the public that loses, and these additional resources will be a needed shot in the arm. They will enable the FDA to process these applications more quickly and get generic drugs to consumers faster.

This is a momentous piece of legislation, which is why I think it is unfortu-

nate that it is being made a vehicle for an unrelated proposal that is poor policy and that would undoubtedly have been the subject of considerable debate should it have come to the floor as a free-standing bill.

Mr. President, I must register my severe reservations about the drug importation provisions that have been inserted in the Agriculture appropriations conference report.

I commend Senator COCHRAN for his attempts to improve some of the more egregious features of the controversial pharmaceutical importation provisions that have been slipped into this appropriations bill. But, these mitigation measures do not go far enough to correct what I consider the proposal's principal flaw.

My first and foremost concern about this proposal is patient safety.

I have been around here long enough to gauge momentum and count the votes. I know that the reimportation provisions have been wedged in a must-pass, year-end appropriations bill—one that forces me to choose between supporting a bill that does much to help Utahans and opposing a bill that contains one bad, albeit popular, idea.

But before we adopt this reimportation measure, which has not been the subject of a committee mark-up in either the Senate or House, let's at least stop for a moment and think about the type of risk we are placing upon the American people.

Although I do not see eye-to-eye with Congressman JOHN DINGELL on every, maybe even most, issues, I always respect his views. And, I recognize his many impressive efforts when he chaired the Oversight and Investigations Subcommittee of the House Commerce Committee. In fact, it was the Dingell Oversight and Investigation Subcommittee's investigation into the foreign drug market that led to the enactment of the 1988 Prescription Drug Marketing Act. I was proud to help shepherd this legislation through the Senate.

The good news is that the PDMA law helps prevent pharmaceuticals that are mislabeled, misbranded, improperly stored or shipped, beyond their shelf life, or even bald counterfeits from entering the United States from abroad.

The bad news is that the legislation we are being asked to adopt today will unravel essential elements of the PDMA, which currently controls importation of pharmaceutical products into the United States.

As the committee report accompanying the PDMA stated:

(R)imported pharmaceuticals threaten the public health in two ways. First, foreign counterfeits, falsely described as reimported U.S. produced drugs, have entered the distribution system. Second, proper storage and handling of legitimate pharmaceuticals cannot be guaranteed by the U.S. law once the drugs have left the boundaries of the United States.

Congressman DINGELL has also commented on the pending legislation. I am sad to say that this assessment

may turn out to be prophetic. As my Democratic friend, Representative DINGELL, succinctly summarized the situation: "Make no mistake. This reckless legislation never went through the committees with expertise or experience in these matters. It is going to lead to needless injuries and death."

As chairman of the Judiciary Committee which has jurisdiction over counterfeiting, I am concerned that our members have not had an opportunity to make a careful study, in collaboration with the Drug Enforcement Administration, of the potential for this language to increase the flow of counterfeit drugs. The World Health Organization has issued several reports that have detailed the international scope of the counterfeit pharmaceuticals problem.

Some might question how Congress could enact legislation that could endanger the health and safety of the American people. As I have argued previously on the floor of the Senate, even the best of intentions in trying to lower drug prices surely can't be adequate justification for sacrificing patient safety.

I recommend a critical reading of the transcript the October 3, 2000, House Commerce Committee Oversight and Investigations Subcommittee hearing on the important issue. I think a fair appraisal of this transcript warrants a conclusion that FDA already has its hands full in the policing the relatively limited area of PDMA-permissible imports.

Based on what we learned at the October 3 hearing, if Congress adopts, and the President signs into law, these new, greatly liberalized reimportation rules, it is difficult to see how the Secretary of Health and Human Services or the Commissioner of Food and Drugs will be able to handle the tremendous responsibilities imposed upon them in this provision.

One of the points that came out of the hearing during the testimony of the Commissioner of Food and Drugs, Dr. Jane Henney, is that there are at least 242 manufacturers spread across some 36 countries that appeared to have exported drug products to the United States but that did not have a current FDA inspection. This is like playing Russian roulette with the public health.

At this same hearing, the Commissioner of Customs, Mr. Raymond Kelly, testified that there are some 301 ports of entry that must be watched by the Customs Service. And keep in mind that this is the situation under the current statutory framework where it is difficult to import drugs into the U.S. Imagine the catastrophic possibilities if we adopt a law that loosens the reigns on importation of drug products into the United States.

The House hearing brought out the fact that it is not only manufacturing plants we need to worry about, but also repackaging facilities and bulk drug facilities as well as the various

warehousers and transporters of drug products. We must be concerned about how we can guarantee strict adherence with the general good manufacturing practices in overseas facilities that we have come to expect in the United States. These guidelines provide assurance as to the purity of pharmaceutical products.

Basically the bill says, in effect, don't worry, the FDA will issue regulations that will solve all these problems.

Maybe so. But if it was so easy for FDA to regulate these problems right out of existence then why are 10 former FDA Commissioners against this bill? I fear that in practice the drafting of these regulations will prove to be an extremely time-consuming and complex endeavor.

And even if the regulations are promptly drafted, what assurance and expectation do we have that all of these foreign establishments will be respectful of the regulations of the United States Food and Drug Administration?

If you don't believe me, get a copy of the transcript of the October 3 hearing and read about what House Commerce Committee and FDA staff found in a recent trip to Chinese and Indian drug manufacturing facilities. Not only did this investigation help uncover that some 46 Chinese firms and 11 Indian firms were exporting apparently misbranded drugs to the United States, there also appeared to be wholesale theft of U.S. intellectual property related to drug products.

Yet instead of tightening the controls we have in place, we are unwisely, in the name of attempting to cut high drug costs, loosening them. Let me say it once again, it is no wonder why ten former FDA Commissioners have come out against these drug importation measures. In enacting this reimportation measure, we will have put in place a ticking time bomb on the public health front as well as creating a regulatory climate that can only encourage an assault on American intellectual property.

While the public health shortcomings of the bill are chief among my concerns, as chairman of the Senate Judiciary Committee, I do want to raise some troubling aspects of the reimportation provisions as they relate to intellectual property.

In my view, it would have been preferable for the Judiciary Committees of both the House and Senate to have had an opportunity to carefully study the rapidly evolving language that was inserted into this appropriations bill.

I share the legitimate concerns of all Members of Congress about the difficulties the many Americans, particularly our senior citizens, have in gaining access to affordable drugs.

In fact, one of my chief concerns about the reimportation measure—public safety, intellectual property, and trade policy concerns aside—is whether consumers will get any substantial benefit when a new phalanx of middle-

men get their piece of the action for bringing these drugs into the United States. I am not convinced that consumers will get much in the way of savings. And, what little benefit they get will come at what cost?

I believe that the industry must give the American public and the Congress a better explanation to account for the discrepancies in some drug prices in the United States and in other countries. And, I call upon the industry to ensure that Americans are paying fair prices for pharmaceuticals and that citizens in other nations are also paying their fair share and not merely free riding on the substantial U.S. investment in biomedical research.

We must be especially wary of price control regimes in other countries that may set prices at levels inadequate to reflect their citizens' fair share of the R&D costs. We must recognize, however, that what is a fair and affordable price in the United States may not be affordable in many developing nations. The differences in GDP of the developed and developing world have many dimensions, mostly negative.

We must be mindful of the important fact that virtually every nation in the world has made a commitment, helped along by the leadership of the U.S., to attempt to create that rising tide that lifts all boats by adopting the GATT Treaty, which specifies the rules of international trade. The GATT TRIPS provisions consist of critical new legal protections for the intellectual property. It is intellectual property that undergirds the creation of so many new products, including pharmaceuticals.

In our understandable short-term desire to help the developing world fight back against such infectious disease menaces as HIV, TB, and malaria, we must avoid acting, however unintentionally, to undermine the long-term interest in protecting the intellectual property rights of American inventors.

That goes for our goals to develop new drug therapies benefiting Americans as well. For our own national interest, as well as the interests of our trading partners, particularly developing nations, we must use our influence to build respect for and protect the inventive energies citizens worldwide.

I do not believe the reimportation provisions in this conference report advance the cause of intellectual property protection and, in fact, may have an unintended but unmistakable effect of retarding future drug development.

Mr. President, I ask unanimous consent to include in the RECORD at this point two letters that I wrote, one to Senator LOTT and Speaker HASTERT and one to Senators COCHRAN and KOHL, to object to both the process and substance of these provisions. In addition, House Judiciary Chairman HENRY HYDE expressed similar concerns. I ask consent that his letter also be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered,

(See Exhibit 1.)

Mr. HATCH. As this correspondence indicates, I am particularly concerned by the so-called non-discrimination clause that suddenly materialized, almost out of the vapors, and was added to the conference report at the last moment.

I would also note for the record that, prior to learning that such language was under development, I contacted Chairman COCHRAN and the majority leadership with a request that a rule of construction be added to these ill-advised importation provisions to the effect that the language be neutral with respect to intellectual property rights.

Imagine my surprise and disappointment to find that not only was my modest proposal, which was consistent with every version of the bill that passed both the House and the Senate up to that point, not adopted, but, instead, all too discriminatory "non-discrimination clause" incorporated in its place.

This provision states: "No manufacturer of covered products may enter into a contract or agreement that includes a provision to prevent the sale or distribution of covered products imported pursuant to subsection (a)." Make no mistake that this clause appears to take direct aim on some of the most traditional of American commercial rights such as freedom to contract and the freedom to license patent rights.

In the United States, manufacturers have great leeway in selling their goods. For example, in its 1919 decision, *United States v. Colgate & Co.*, the Supreme Court noted it is a "long recognized right of [a] trader or manufacturer to exercise his own independent discretion as to parties with whom he will deal." Moreover, this right is particularly strong when the seller holds patent rights which are derived directly from Article I of the Constitution.

As the language is scrutinized, I hear more and more questions being raised about the potential conflict of these provisions with current law.

Mr. President, in some respects, this non-discrimination clause is a major assault on intellectual property rights. It hardly sends a strong signal to our knowledge-based industries that form the backbone of the new high-technology economy.

I serve on the Finance Committee where we had jurisdiction over trade matters. While at the point I have reached no final answers or conclusions about how the non-discrimination clause comports with the TRIPS provisions, I can tell you that I have a lot of questions. And I can tell you that we would be better off if, before we adopt this language, we took the time to work through some of the tough questions that this highly controversial clause raises with, for example, Article



28 of TRIPS. Neither the Finance Committee nor the Ways and Means Committee will have a meaningful opportunity to examine the trade implication of this language.

I can only hope that this language does not result in the importation of sub-standard and unsafe drugs along with a back door system of price controls. Wisely, this body has always resisted direct government price controls on high-technology products like pharmaceuticals. We stand today as the world's leader in pharmaceutical innovation. Let's hope that this bill does not undermine this achievement.

Let me emphasize, Mr. President, that we need to work together to make drugs more affordable for the American public—all of those in Congress with expertise in the policy areas that contribute to addressing this issue should be collaborating on a solution to high drug prices. This is not a simple matter, and a solution that looks simple and obvious could easily prove disastrous to both consumers and the research enterprise.

We must tackle this issue in a manner that doesn't threaten public safety, undermine the incentives for developing new intellectual property, and otherwise adversely affects U.S. trade interests. Frankly, I am concerned that these reimportation provisions, however well-intentioned, will not be able to met these tests.

I will support this conference report, even though I have very serious concerns about the provisions on pharmaceutical reimportation. I hope to work with my colleagues on all the relevant committees in the House and Senate on these many issues concerning pharmaceuticals and their importation into our country.

#### EXHIBIT 1

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, October 4, 2000.

Hon. TRENT LOTT,  
*Majority Leader of the Senate,*  
Washington, DC.

Hon. THAD COCHRAN,  
*Chairman, Subcommittee on Agriculture,*  
*Committee on Appropriations, Washington, DC.*

Hon. DENNIS HASTERT,  
*Speaker of the House of Representatives,*  
Washington, DC.

Hon. JOE SKEEN,  
*Chairman, Subcommittee on Agriculture,*  
*Committee on Appropriations, Washington, DC.*

DEAR TRENT, DENNY, THAD, and JOE: This is to register my strong objection to the so-called "non-discrimination" amendment that Representative Henry Waxman and others are trying to insert into the pharmaceutical importation provisions in the Agriculture Appropriations Conference Report. This language would affect both intellectual property and contract rights and raises constitutional questions. As Chairman of the Senate Judiciary Committee, I believe it is imperative that you reject these ill-advised, eleventh hour provisions that relate to critical intellectual property rights that have not been considered by either the House or the Senate Judiciary Committees.

Although styled as a "non-discrimination" provision, this language is a thinly disguised attack on intellectual property protection in

the United States that conflicts with longstanding U.S. policy, would set a dangerous precedent for all U.S. businesses, and would undermine bipartisan U.S. trade and intellectual property negotiating objectives abroad. Proponents of this language would deny pharmaceutical manufacturers their freedom in private contracting, and appears to compel them to sell unlimited quantities of their prescription medicines to foreign buyers, including unknown foreign entities lacking any interest in the safety and health of American patients who rely on the safety and effectiveness of prescription medicines. This proposal has not been the subject of a single hearing, let alone a committee markup, and is unquestionably within the jurisdiction of the House or Senate Judiciary Committees, neither of which has been consulted on this controversial measure. I urge you to reject it.

My responsibilities as Chairman of the Senate Judiciary Committee require me to oppose this sneak attack on intellectual property protection and U.S. leadership in innovation benefiting consumers. My responsibilities to my Utah constituents and the American people generally impel me further to object to the adoption of the prescription drug import proposal on safety grounds. I am greatly disturbed to learn that Conferees are apparently considering lowering the traditional gold-standard of "safety and efficacy" to a new, untested, and disturbingly ambiguous standard of "reasonable assurance" of safety and efficacy. The Senate passed the Cochran-Kohl amendment 96-0 precisely to seek to ensure that risks to American patients are not increased through re-importation of prescription medicines.

In direct contradiction to these efforts, the "non-discrimination" measure clearly and unacceptably increases such risks. This measure would place domestic medicine supplies in jeopardy by forcing our manufacturers to sell unlimited quantities abroad. It also would prevent them from exercising sound business judgment about to whom to sell, forcing them to sell drug products to anyone—even unscrupulous shady dealers. In conjunction with a price control system of a foreign nation, this "non-discrimination" regime is tantamount to a compulsory licensing system that can only undermine the incentives required for the private sector to make the necessary substantial investment to invent new medicines. In order to protect the safety and health of American patients, advance our Nation's trade policy, and promote the development of the next generation of medicines, this proposal must be rejected.

Sincerely,

ORRIN G. HATCH,  
*Chairman.*

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, October 4, 2000.

Hon. TRENT LOTT,  
*Majority Leader of the Senate,*  
Washington, DC.

DEAR MR. LEADER: I understand that the situation on the drug import provisions in the Agriculture Appropriations bill is fluid and that now there is language being proposed that modifies the House proposed text that I have previously criticized. Unfortunately, I must register my objection to this new language as well.

It is my understanding that the new language states: "No manufacturer of a covered product may enter into a contract or agreement that includes a provision to prevent the sale or distribution of covered products." How can this restrictive provision square with such basic American concepts of private property and freedom to contract? It seems to me that Congress, like the courts, should

not get into the business of rewriting contracts.

In my view this new "compromise" provision does not escape the fundamental problems presented by the earlier House language because a flat prohibition on the ability of a manufacturer to limit the future sale or distribution of pharmaceutical products flies in the face of current law and policy. I must report to you that as this language circulates among the bar, reputable attorneys are concluding that it presents serious constitutional issues. As Chairman of the Judiciary Committee, I believe it wise for our committee to consider this issue before such language is enacted. Given the fact that the import provisions will not go into effect until the FDA issues a complex set of safety testing regulations, I see no need why the Congress must rush in the last few days of the session to include this new provision. I know that my House counterpart, Chairman Henry Hyde, has raised similar objections with Speaker Hastert.

So I must once again add to my concerns about the potential negative public health aspects of the pharmaceutical import amendments, a separate objection concerning the erosion of intellectual property and contract rights. I urge you to oppose these measures until these issues can be carefully reviewed and debated.

Sincerely,

ORRIN G. HATCH,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, October 4, 2000.

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: As Chairman of the House Judiciary Committee, I urge you to reject intellectual property provisions, disguised as a "non-discrimination" requirement, advocated by Mr. Waxman for inclusion in the drug re-importation measures in the Agriculture appropriations bill or in other legislation. The Waxman gambit is an anti-business, anti-intellectual property effort to force pharmaceutical patent owners to give up their patent rights with respect to re-importation into the U.S. of their patented product, by denying their freedom in contracting. Mr. Waxman further wants to compel drug manufacturers to sell unlimited quantities of their prescription medicines to foreign buyers, including unknown, fly-by-night operations that are unlikely to be held accountable for patient health and safety. This proposal has not been the subject of a single hearing and falls squarely within the jurisdiction of the House Judiciary Committee, whose members have not been consulted on this.

Beyond the serious jurisdictional issue and erosion of intellectual property rights, I further object to the Waxman proposal because it clearly increases risks to the health and safety of American patients. This measure would place domestic medicine supplies in jeopardy by forcing manufacturers to sell unlimited quantities abroad. It also would prevent them from exercising sound business judgment about to whom to sell, forcing them to sell to unscrupulous shady dealers and fast-buck artists abroad. For these reasons, I urge you to reject these measures.

Sincerely,

HENRY J. HYDE,  
*Chairman.*

Mr. ASHCROFT. Mr. President, I rise to express my strong support for the Agriculture Appropriations Conference Report, which we will vote on today. This bill contains over \$78 billion in

funding (and more than \$3.5 billion in emergency assistance for farmers). And it contains important initiatives I have been pushing—doubling the payment limit for LDPs (from \$75,000 to \$150,000) and lifting embargoes on food and medicine.

I extend my sincere gratitude to the Chairman of the Agriculture Appropriations Committee, my friend from Mississippi, who has crafted a bill that gives America's farmers the assistance they need in the short term—and keeps a promise we made to open more markets in which to sell their products overseas.

This bill culminates an almost 2-year effort on my part to open overseas markets to American farmers by ending U.S. food and medicine embargoes. We talk a lot about foreign trade barriers, and rightly so. We must continue to be vigilant to remove those barriers, such as the EU ban on U.S. beef. However, it is hypocritical of the U.S. government to target foreign barriers without removing our own barriers. That's exactly what food embargoes are—U.S. barriers against U.S. farmers. A policy shift in this area is long overdue, and I am pleased that this Conference Report reflects that shift. While the final product before us is not perfect, it does change substantially U.S. policy on embargoes of agriculture and medicine.

We know that sanctions hurt farmers. The currently-embargoed market for our food products is estimated by some at about \$6 billion. Cuba alone could purchase about \$1.6 billion worth of food and medicine each year. Jim Guest, the President of the Missouri Pork Producers said: "With 11 million people who enjoy pork, Cuba will become an important U.S. pork export market. In 1998, the last year for which statistics are available, Cuba imported about 10,000 metric tons of pork from Canada, Mexico and the European Union."

This sanctions reform proposal covers more countries than just Cuba. There are four other countries affected by this legislation that could present substantial opportunities for U.S. producers of wheat, soybeans, beef, corn, etc.

Furthermore, this provision reforms sanctions policy for the future. The President will not be able to impose new sanctions without Congressional involvement.

Food embargo reform can be summed up as a big "win": a win to the U.S. economy, a win for U.S. jobs, a win in foreign policy, and a win for those hungry and hurting in foreign countries.

My goal that I set out to reach years ago—giving the U.S. the opportunity to export more food and medicine—has been achieved in the bill we are voting on today. The Food and Medicine for the World Act, which I introduced in 1999, and which is the basis for the agreement in this Ag. Approps. Conference Report, separates out food and medicine from all other products when it comes to sanctions policy.

Current embargoes against agriculture and medicine will be lifted, and there will be no embargoes in the future unless the President first receives Congressional approval. This proposal of mine has remained in place throughout the Senate and House negotiations. It is the underlying basis for real sanctions reform because it does not focus on any one country. Instead, it is a new framework for U.S. policy in general. The differences between my original proposal and this final agreement are merely details on HOW the exports of food and medicine will be facilitated. We made progress in some areas, and in others, we must monitor the effectiveness toward reaching our goal.

Let me explain briefly those differences. On the issue of how the exports will be allowed, there are two things I would like to cover—licensing and financing.

On licensing—we have gone much further than the Administration plan put in place last year, which has two substantial limitations. First, the Administration plan requires case-by-case licensing, whereas, the language before us in the Conference Report ensures that a least restrictive licensing system is set up—to cover a 2 year span instead of being case-by-case. Second, current U.S. policy requires tight restrictions on the end recipient of the food (those to whom we could sell our farm products). However, the bill we are voting on today allows exporters to sell to countries broadly, whoever wants to buy their products.

On financing—all sales to these countries can be freely financed by U.S. banks, but the House added a restriction that will prohibit U.S. banks from being the primary financial institution in any sales to Cuba. U.S. banks will be able to facilitate transactions, but they won't be allowed to assume the risk of the Cuban buyers. While this policy is not my preference, I will point out that it is not a step backward. It simply keeps in place the current restrictions that exist in U.S. law.

One final note on financing, particularly U.S. government financing—under the bill before us, U.S. government credits will be available to help finance exports of agricultural products if the President determines that it is in the humanitarian or national security interest to extend the credits.

All along, I have been committed to real sanctions reform in a final bill—and that is what we have accomplished. As with any major reform of U.S. policy, our proposal may not be perfect, but we can address any roadblocks that arise when they are brought to our attention by the farming community and humanitarian organizations.

I welcome the recognition by a sizable majority of Congress that the time has come to reform this nation's obsolete and hurtful policy that allows using food and medicine in embargoes. And I look forward to sending this embargo reform bill to the President's desk so America's farmers are given increased freedom to market.

Mr. President, I would like to insert in the RECORD a letter addressed to me from Charlie Kruse, the President of the Missouri Farm Bureau. Also, I would like to insert a statement from the Missouri Pork Producers. Finally, I would like to insert a letter signed by 15 agriculture organizations supporting this sanctions reform proposal and the Conference Report. Let me just say that this effort—reforming our nation's policy on food embargoes—has been a cooperative effort. The farm organizations that have signed these letters have shown tremendous leadership in getting us where we are today. I extend my sincere appreciation for their support throughout this entire process.

I would like to address one final point, Mr. President, with regard to the intent of those that have drafted this sanctions reform proposal. Senator HAGEL and I, as the drafters of the underlying sanctions reform bill, are submitting a statement of intent on how this proposal should be implemented by the Administration. I ask for unanimous consent that it be printed in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT—INTENT OF SENATE SPONSORS

#### BRIEF PROCEDURAL HISTORY

A reduction in the amount of agricultural exports and a decline in commodity prices have led to renewed efforts by farm groups and agribusiness firms to win a change in U.S. sanctions policy. While there has been some easing of these sanctions through executive order, agricultural exporters have sought legislation to exempt their products from embargoes to ensure that any positive changes in policies are not reversed based on changing events or a change of Administration.

Title IX of the Fiscal Year 2001 Agriculture Appropriations Conference Report, the "Trade Sanctions Reform and Export Enhancement Act," contains sanctions reform for agricultural products, medicine, and medical devices.

The language in this act can be traced back to the "Food and Medicine for the World Act," (originally, S. 425 and S. 1771, both introduced in 1999). The text of the "Food and Medicine for the World Act" was offered as an amendment to the FY2000 Agriculture Appropriations Bill (S. 1233), on August 4, 1999, by Senator Ashcroft and Senators Hagel, Baucus, Kerrey, Dodd, Brownback and 15 other cosponsors. The Senate defeated a motion to table, 70 to 28, and the amendment, after modifications, was accepted by voice vote. There was not a comparable provision in the House appropriations bill, and ultimately the embargo provisions were deleted from the conference agreement, at the request of House leadership.

In March 2000, the Senate Foreign Relations Committee held a marked up of S. 1771, the "Food and Medicine for the World Act." During the mark up, the title was changed to the current title, "Trade Sanctions Reform and Export Enhancement Act."

The provision, as marked up by the Senate Foreign Relations Committee, was then offered as an amendment to the FY2001 Agriculture Appropriations Bills (H.R. 4461; S. 2536) in both the Senate and House during

Appropriations Committee markups. When the Senate passed S. 2536, the FY01 Agriculture Appropriations bill on July 20, 2000, it contained the sanctions exemption language that had been inserted during committee consideration. The House language was accepted in the House Agriculture Appropriations Subcommittee, but later deleted on the House floor on July 11, 2000, as a result of a point of order that the amendment was an instance of legislating on a spending bill.

A compromise reached between amendment supporters and opponents regarding the application of the exemption to Cuba served as the House leadership's position in conference, and was eventually accepted by House and Senate Republicans. The language of S. 1771 that lifts sanctions and restricts the future use of sanctions was maintained. However, the language on licensing and credits was altered (see explanation below). Furthermore, the House leadership added language regarding travel to Cuba that has the effect of codifying the current regulations that restrict travel.

#### PURPOSE

The overall purpose of this title is clear: to eliminate unilateral food and medicine sanctions and to establish new procedures for the future consideration of such sanctions. In drafting this provision, the intent of the authors is to expand export opportunities for United States agricultural and medical products beyond that currently provided for in law and regulations. As the original sponsors of this provision, we would like to outline briefly what we believe the intent of this provision to be, in order to ensure that agencies that will implement this legislation fully appreciate the expectations of the sponsors. We expect that regulations to implement this provision will promptly liberalize the current administrative procedures for the export of agriculture and medicine. A section by section explanation follows:

#### SECTION 901—TITLE

This section contains the title of the Act, the "Trade Sanctions Reform and Export Enhancement Act."

#### SECTION 902—DEFINITIONS

Definitions in the section are broadly drawn to allow maximum benefit to exporters of agricultural commodities and medicine and medical products.

**Agriculture Commodities:** The drafters used the definition of "agricultural commodities" in the Agricultural Trade Act (7 U.S.C. §5602) because of its inclusiveness. It includes all food commodities, feed, fish, and livestock, as well as fiber. Also, for all of these items, the definition includes "the products thereof." Therefore, it is the drafters' intent to cover all value-added products and processed products that include food, feed, fish, livestock, and fiber. In addition, value added products and processed products are covered even if they contain some inputs that are not of U.S. origin. Note: The drafters specifically chose not to use another definition in U.S. law that requires all of the inputs to these processed foods be of U.S. origin, 7 U.S.C. §1732. For purposes of administering Title IX of this Act, Section 775 of the Conference Report clarifies that the term "agricultural commodity" shall also include fertilizer and organic fertilizer.

**Agricultural Program:** The intent of the bill is to lift sanctions on commercial sales, as well as sanctions on the use of federal programs that are used to facilitate the export of agricultural products.

**Medical Device and Medicine:** These terms should be interpreted broadly to mean all products commonly understood to be within these categories, as explicitly recognized by

the Federal Food, Drug and Cosmetic Act, and including supplies, such as but not limited to, crutches, bandages, wheelchairs, etc.

#### SECTION 903—RESTRICTION

This section requires the President to terminate all unilateral agricultural and medical sanctions that are in effect as of the date of enactment (though Section 911 provides a 120 day waiting period to allow the implementation of appropriate regulations). Therefore, 120 days after the enactment of the bill, U.S. exporters should be allowed to sell any agricultural commodity, medicine, or medical device without restrictions to all countries, as well as to participate in any activities related to the sale of those products (subject only to the exceptions in Sec. 904, the licensing requirements of Sec. 906, and the applicable credit limitations of Sec. 908).

This section also prohibits the President from imposing any new unilateral agricultural or medical sanctions without the concurrence of Congress in the form of a joint resolution. If the President imposes broad unilateral sanctions in the future that may or may not be a complete embargo, the President must exempt agriculture and medicine from the broad sanctions and treat these products differently. While his powers to declare national emergencies and impose sanctions are maintained as they relate to other U.S. products, that power will no longer apply in relation to the export of agriculture and medical products. The correct procedure under this Act will require Congressional approval unless Sec. 904 is applicable.

#### SECTION 904—EXCEPTIONS

This section provides a number of exceptions to Section 903 to ensure that the Administration, in certain limited instances, has the ability to impose sanctions in certain instances. While seven particular exceptions are provided, they are narrowly drawn in recognition of the conferees' expectation that food and medicine sanctions should only be used in extraordinary circumstances. Further, these exceptions should not be used to impose sanctions permanently as Section 905 makes clear. It is the intent of the drafters that these exceptions be narrow. Therefore, if a question exists as to whether the proposed sanctions might fall under one of the exceptions (for instance whether there are "hostilities"), it is the desire of the drafters that the President comply with Sec. 903 and seek Congressional approval. It is the intent of the drafters that the President not to use these exceptions liberally for to do so would frustrate the purpose of the bill—to ensure that sanctions on agriculture and medicine are used only when it is in the national security interest of the United States to do so.

Specifically with regard to paragraph (2), it is the intent of the drafters that this provision cover only dual-use items. This provision should be narrowly interpreted so as to allow as many exports as possible—keeping in mind that the products being considered for export are humanitarian products that can feed, clothe, and heal people.

#### SECTION 905—TERMINATION OF SANCTIONS

This section provides for a sunset of any food or medicine sanctions imposed under Section 903, not later than 2 years after the date the sanction becomes effective. Sanctions may be maintained only if the President recommends to Congress a continuation for not more than 2 years, and a joint resolution is enacted in support of this recommendation.

#### SECTION 906—STATE SPONSORS OF INTERNATIONAL TERRORISM

This section requires licenses for the export of agricultural commodities, medicine or medical devices to Cuba and to countries

that are state sponsors of international terrorism.

These licenses shall be provided for a period of not less than 12 months. However, the sales of products under the license can span 24 months so that the exporter is able to ship products for 12 months after the license has expired as long as the contract was entered into during the initial 12 month period. This provision gives exporters flexibility to ship for 24 months as long as the contracts are entered into during the first 12 months.

The intent of the bill is for the Administration to develop a licensing system that is, to the extent possible, the least restrictive, least burdensome for the exporter. This section does not give the Administration the authority to put in place a case-by-case licensing system. The Administration must put in place a system for agricultural commodities, medicine, and medical devices that is no more restrictive than license exceptions administered by the Department of Commerce or general licenses administered by the Department of Treasury. It is the expectation of the sponsors that a presumption in favor of sales will to exporters, consistent with the purpose of the act—to support enhanced exports.

Consistent with this expectation, it is the understanding of the authors that the Department of Commerce would be the lead agency for all exports under this title.

Furthermore, any licensing of activities related to the sale or export of products covered by this Act should be under a licensing system that is the least restrictive possible. In the case of exports to Cuba, it is the understanding of the drafters that current restrictions on shipping to Cuba will continue to be waived for licensed exports.

Exports to the Government of Syria and the Government of North Korea are excepted from the licensing requirements of this section. While the provision mentions an exception only for sales to the "governments" of these countries, the Senate recognizes this as a drafting error and would encourage the Administration to except sales to the private sector in those countries as well. It would be inconsistent policy to lift licensing requirements to the governments while not lifting them for the private sector buyers in these countries.

This section also requires that procedures be in place to deny exports to any entity within such country that engages in the promotion of international terrorism. This language is intended to give the Administration very narrow discretion in the granting of licenses for exports to specific sub-entities that are directly involved in the promotion of terrorism.

Finally, this section requires quarterly and biennial reports on these licensing activities to determine the effectiveness of licensing arrangements. The drafters encourage the Administration to work closely with the U.S. private sector to establish licensing procedures and to determine the effectiveness of the procedures.

#### SECTION 907—CONGRESSIONAL PROCEDURES

This section requires that a report submitted by the President under Section 903 or Section 905 shall be submitted to the appropriate committee or committees of the House of Representatives and the Senate. A joint resolution in support of this report may not be reported before the eighth session day of Congress after the introduction of the joint resolution.

## SECTION 908—PROHIBITION ON UNITED STATES ASSISTANCE AND FINANCING

Section 908(a)(1) prohibits the use of United States government assistance and financing for exports to Cuba. However, consistent with the overall intent of the measure, this prohibition is not intended to modify any provision of law allowing assistance to Cuba.

The provision also restricts the use of government assistance for commercial exports to Iran, Libya, North Korea, and Sudan, unless the President waives the restrictions for national security or humanitarian reasons. In recent months, the Administration has taken several steps to liberalize these and other restrictions on agricultural trade with Iran, Libya, North Korea, and Sudan. As such, we believe it will be in the best interest of U.S. agricultural producers, as well as for the United States' balance of trade, for the President to use the waiver authority in subsection (a)(3) to promptly waive these restrictions before the current sanctions are lifted (120 days after enactment of this bill). If the President's waiver authority is not promptly exercised, the restrictions in subsection (a)(1) could act to restrict exports of agricultural commodities, medicines, and medical devices to these countries to a greater extent than current law. This is certainly not the intent of this legislation.

Specifically with regard to Cuba, subsection (b) of section 908 prohibits any United States person from financing U.S. agricultural exports to Cuba. However, in order to accommodate sales of agricultural commodities to Cuba, subsection (b) specifically authorizes Cuban buyers to pay U.S. sellers with cash in advance, or to utilize financing through third country financial institutions.

While they cannot extend financing to Cuban buyers, U.S. financial institutions are specifically authorized to confirm or advise letters of credit related to the sale that are issued by third country financial institutions. Under this procedure, third country financial institutions can manage the Cuban risk associated with these transactions. In turn, the third country financial institution issues a letter of credit free to be confirmed by a U.S. bank, which assumes no Cuban risk. This provision, which creates a "firewall" against "sanctioned-country risk," is consistent with the role played by third country banks in transactions with some other countries subject to U.S. sanctions.

U.S. financial institutions may act as exporters' collection and payment agents, confirm third country letters of credit, and guarantee payments to the U.S. exporters. The provision of such export-related financial services by U.S. financial institutions (commercial banks, cooperatives, and others) will allow U.S. farmers, their cooperatives, and exporters to be assured that they will be paid for exported commodities.

Subsection (b)(3) of section 908 requires the President to issue regulations that are necessary to carry out this section. In addition to waiving the restrictions on assistance as appropriate under subsection (a)(3), these regulations need to facilitate the export of agricultural commodities, medicine, and medical devices. In particular, the regulations need to accommodate these specifically authorized exports by waiving the restrictions with respect to vessels engaged in trade with Cuba found at 31 C.F.R. §151.207.

## SECTION 909—PROHIBITION ON ADDITIONAL IMPORTS FROM CUBA

Section 909 reiterates that this Act does not change current regulations that prohibit entry into the United States of any merchandise that is of Cuban origin, has been transported through Cuba, or is derived from any article produced in Cuba. Despite the

title of Sec. 909, the actual language of Sec. 909 does not codify the currently regulatory restrictions. Instead, the language simply states that Sec. 909 does not affect regulations found at 31 C.F.R. §151.204.

## SECTION 910—REQUIREMENTS RELATING TO CERTAIN TRAVEL-RELATED TRANSACTIONS WITH CUBA

This section requires the Secretary of Treasury to promulgate regulations to authorize travel to, from, or within Cuba for the "authorized" commercial sale of agricultural commodities. The sponsors of this measure believe that this section should be interpreted in a manner that expands travel currently allowed under the regulations in keeping with the overall Act's purpose of expanding "authorized" exports.

## SECTION 911—EFFECTIVE DATE

This title shall take effect on the date of enactment and apply thereafter in any fiscal year. The bill does not expire with the expiration of the FY01 Appropriations bill. Unilateral agricultural or medical sanctions in effect as of the date of enactment shall be lifted 120 days after enactment.

MISSOURI FARM BUREAU FEDERATION,

*Jefferson City, MO, October 18, 2000.*

Hon. JOHN ASHCROFT,

*U.S. Senate,*

*Washington, DC.*

DEAR SENATOR ASHCROFT: We are very pleased the U.S. Senate will soon vote on the Conference Report for the fiscal year 2001 Agriculture Appropriations Bill. Missouri Farm Bureau, the state's largest general farm organization, strongly support this legislation. In fact, we have been hoping for this day ever since you introduced the Food and Medicine for the World Act in 1999.

We are grateful for the leadership shown by you and your staff regarding the lifting of unilateral trade sanctions for food and medicine. This measure will result in access to markets that have long been closed to our nation's farmers and ranchers. Frankly, it couldn't come at a better time; the combination of continued low commodity prices and increased fuel and interest expenses are having a devastating effect on both producers and rural communities.

As you know, we recently hosted Fernando Ramirez De Estenoz, the First Deputy Minister and Chief of the Cuban Interests Section in Washington, DC, on a series of farm visits in southeast Missouri. During the visit, Ambassador Ramirez made it clear that Cuba could provide a significant new market for U.S. agricultural products. The high quality of our production, coupled with favorable transportation rates, makes the U.S. extremely competitive in the Cuban market.

It has become clear that food must not be used as a weapon. Unilaterally denying U.S. agricultural producers access to foreign markets simply does not work in a global economy.

Again, we applaud your on-going leadership on this issue and believe it to be something that will provide long-term benefits to our nation's agricultural producers.

Sincerely,

CHARLES E. KRUSE,

*President.*

## PORK PRODUCERS THANK SENATOR ASHCROFT

Missouri Pork Producers President Jim Guest today commended Senator John Ashcroft for his work in drafting language that opens the door to potential U.S. pork exports to Cuba.

"Senator Ashcroft has been a leader in the effort to reform outdated sanctions policies that harm American farm families," Guest

said. Senator Ashcroft's determination has helped create an environment where Missouri pork producers will have the opportunity to compete for business in Cuba for the first time in 40 years."

Senator Ashcroft authored a sanctions reform provision that was far reaching in its scope and which passed the Senate. The Agriculture Appropriations Conference Agreement includes compromise language to allow the sale of food and medicine to Cuba and four other previously sanctioned nations. On October 11, the bill was overwhelmingly approved in the House and the bill is pending in the Senate. President Clinton has said he will sign the bill.

"Senator Ashcroft's vision has brought us to the point where we can begin to think of Cuba as a potential customer and that is a tremendous achievement," Guest said. "With 11 million people who enjoy pork, Cuba will become an important U.S. pork export market."

The Missouri Pork Producers has supported easing the trade embargo with Cuba, and ending the practice of using food and medicine as foreign policy tools. In 1998, the last year for which statistics are available, Cuba imported about 10,000 metric tons of pork from Canada, Mexico and the European Union.

OCTOBER 10, 2000.

Hon. JOHN ASHCROFT,

*U.S. Senate,*

*Washington, DC.*

DEAR SENATOR ASHCROFT: The undersigned organizations urge you to support passage of H.R. 4461, the FY01 agriculture spending bill.

In addition to funding important USDA food safety, agricultural research and trade enhancing programs, the legislation is critically important to farmers and ranchers because it includes:

\$3.5 billion of critically needed emergency assistance for agricultural producers hurt by this year's poor weather conditions;

Sanctions reform to lift the embargo on food and medicine to Cuba, Iran, Libya, North Korea and Sudan. In addition, the language makes it much more difficult for future presidents to impose unilateral sanctions;

Doubling of the Loan Deficiency Payment/Marketing Loan Gain payment cap from \$75,000 to \$150,000 for one year; and

This bill is critically important to the ability of our producers to prosper in the future. We urge your support.

Sincerely,

American Farm Bureau Federation  
American Soybean Association  
National Association of Wheat Growers  
National Barley Growers Association  
National Cattlemen's Beef Association  
National Corn Growers Association  
National Cotton Council  
National Milk Producers Federation  
National Sunflower Association  
Rice Millers' Association  
U.S. Canola Association  
U.S. Durum Growers Association  
U.S. Rice Producers Association  
U.S. Rice Producers' Group  
Wheat Export Trade Education Committee

Mr. DURBIN. Mr. President, I rise today to briefly discuss the Fiscal Year 2001 Agriculture Appropriations conference report, H.R. 4461.

First, I would like to commend Senators COCHRAN and KOHL, the Senate Subcommittee chairman and ranking member. They have put together a very good underlying bill and have done so with bipartisan support and cooperation. From the very first hearing of the

year, through conference, Chairman COCHRAN has endeavored to deliver a bill that is helpful to our farmers and ranchers and fair to the Food and Drug Administration. Again, I congratulate him on this important accomplishment.

I was a conferee on this bill, as I am a member of the Senate Agriculture Appropriations Subcommittee. However, I regret to say that I was unable to sign the conference report because of specific provisions on Cuba sanctions and prescription drug re-importation.

Specifically, I am distressed that the conferees did not support the Senate position on lifting food and medicine sanctions against Cuba. The House language limiting U.S. sales to a cash only or third-country financing basis will unnecessarily restrict the sales of food and medicine to Cuba.

I am further troubled by the language restricting travel by Americans to Cuba. During the Cold War, Americans were able to travel to the Soviet bloc countries, and if they were kept out, it was by the Communists, not by our own government. I believe Castro has more to fear from an invasion force of American tourists than from our sanctions policy. I cannot imagine how restricting the ability of Americans to go to Cuba could possibly advance our shared goal of peaceful change toward democracy and a free market economy in Cuba.

With regard to prescription drug re-importation, too many Americans struggle to afford prescription drugs that their doctors believe are necessary to alleviate or prevent illness. Unfortunately, those who can least afford these drugs because they do not have insurance coverage for prescription drugs generally pay far more than the "most favored" purchasers such as Health Maintenance Organizations, HMOs, and other big insurers.

Instead of dealing with the real issue of providing comprehensive, affordable drug coverage to all America's seniors and the disabled, this conference report takes a much more limited step. It is billed as a means to provide our constituents with access to better priced medicines by allowing for the re-importation of drugs sold at lower prices in other countries. This provision includes measures to ensure the safety of these re-imported products by requiring testing after re-importation. However, the language attached to this conference report still includes several pharmaceutical industry-backed loopholes that will undermine consumer ability to access cheaper drugs. These loopholes were added late in the process and have the potential to nullify the entire provision.

Drug companies will be able to limit supplies in foreign countries to thwart re-importation efforts. Nothing in the language of this conference report addresses this issue. In fact, the limitation on the countries from which wholesalers and pharmacists may re-import drugs will clearly aggravate

this loophole. The language also omits provisions that would prevent the pharmaceutical industry from forcing foreign wholesalers to sell products at the inflated American price. Without such a provision, the drug industry will be able to prevent U.S. consumers from obtaining more affordable medicines. There is no effort to focus re-importation so as to benefit the most severely disadvantaged Americans: the elderly and the disabled.

I am convinced that Congress needs to address prescription drug coverage and the cost of pharmaceutical products here at home. Tortuous transport through other countries to re-import products that were originally manufactured here in the U.S. is not the most effective remedy for the high prices that American consumers pay today.

Mr. President, I would like to note with appreciation that this conference report includes important assistance for our nation's farmers who are facing another year of low prices.

The assistance farmers received last year helped many Illinois farmers. An October 1999 study by the University of Illinois projected that average net farm income for Illinois farmers would have been just \$11,000 in 1999 without federal assistance. But with federal assistance, their income rose to \$25,000.

Although the U.S. economy continues to thrive, farmers and those who live in rural America do not appear to be reaping the benefits. This measure provides \$3.6 billion for weather-related crop losses and livestock assistance, and it increases funding for the Farm Service Agency to carry out vital farm programs and emergency measures. The conference report also doubles the loan deficiency limits to ensure farmers are able to receive the income support they need.

The conference report also contains \$1 billion for P.L. 480—Food for Peace, \$697 million for the Food Safety and Inspection Service, \$2.5 billion for USDA Rural Development programs, \$9.5 billion for child nutrition programs—including a School Breakfast pilot program, and \$1.2 billion for the Food and Drug Administration.

Mr. President, although I have some serious reservations with regard to Cuba sanctions and prescription drug re-importation, I am voting for this conference report because of its other valuable provisions that are simply too important to Illinois agriculture to delay.

Ms. SNOWE. Mr. President, I rise today in support of the prescription drug reimportation provisions included in the conference report for the FY 2001 agriculture appropriations bill. I also want to thank my colleagues, especially Senators JEFFORDS and DORGAN for their hard work and dedication to this important issue.

The United States is in the midst of a time of amazing prosperity. Nearly every week it seems that we hear of astounding new breakthroughs in biomedical research and in new prescrip-

tion medications. And there is no question in anyone's mind that we have the best—the very best—health care in the world.

But our health care system is not without its flaws. Prescription drugs are revolutionizing health treatments, but their high cost is causing concern throughout the country. Everywhere we turn—from "60 Minutes" to Newsweek—we hear of the struggles that our nation's patients, especially the elderly, face, and the dramatic difference in costs of prescription medication between the U.S. and our neighbors to the North.

The high cost of prescription medications in the United States is forcing many of our nation's seniors to make unthinkable decisions that are harmful to their health and well-being. It is simply unacceptable that the elderly have to choose between filling a prescription or buying groceries.

A solution to the pressing problem of prescription drug coverage can't come soon enough. In 1998, drug costs grew more than any other category of health care—skyrocketing by 15.4 percent in a single year. And that's a special burden for seniors, who pay half the cost associated with their prescriptions as opposed to those under 65 who pay just a third.

Seniors are reeling from the burden of their prescription drug expenses—one of the latest studies shows that the average senior now spends \$1,100 every year on medications. And with the latest HCFA estimates putting the number of seniors without drug coverage at around 31 percent of all Medicare beneficiaries—or about 12 out of nearly 40 million Americans—it's not hard to see why we can no longer wait to provide a solution. In fact, nearly 86 percent of Medicare beneficiaries must use at least one prescription drug every day.

Who are these seniors who don't have prescription drug coverage? Who are the ones traveling by the busload to Canada to buy their prescription drugs? These are people caught in the middle—most of whom are neither wealthy enough to afford their own coverage, nor poor enough to qualify for Medicaid. We know that seniors between 100 percent and 200 percent of the federal poverty level have the lowest levels of prescription drug coverage.

In my eyes, it is absolutely unconscionable that any senior would be arrested after purchasing their otherwise legal prescription medication in Canada. That is why I teamed up with Senators JEFFORDS and DORGAN to introduce the "Medicine Equity and Drug Safety Act" as an amendment to the FY 2001 agriculture appropriations bill. The amendment was accepted overwhelmingly by a vote of 74 to 21.

I am pleased that the conference report includes a compromise on this amendment. The conference provision allows pharmacists and wholesalers to import prescription drugs for sale to American customers that were made in

the U.S. or in FDA-approved facilities. The provisions require stringent safety and efficacy regulations. Drugs may only be reimported from Europe, Canada, Japan, Australia, Israel, New Zealand, and South Africa. Controlled substances, such as morphine, cannot be imported.

Drugs that are going to be reimported must meet U.S. labeling requirements and there will be stringent reporting requirements on any reimportation. The new provisions prohibit manufacturers from entering into a contract to prevent reimportation. Drug reimportation will not be allowed unless the Secretary of HHS can certify that the reimported drugs are safe and effective. The FDA will not be allowed to send letters to individuals about their personal reimportation unless the FDA believes that the drugs the person is bringing back are not safe, not effective, or not labeled correctly. Finally, the Secretary of HHS must certify that reimported drugs will save consumers money.

Opponents of the reimportation of prescription medications have well-founded concerns about the safety of these medications. There is no doubt that the U.S. Food and Drug Administration is the world's premier agency in ensuring not only that drugs are safe and effective for their intended use, but that the actual manufacture of these drugs is done cleanly and safely.

So when Congress considers changing the law to allow the importation of either retail or personal use prescription medication, we must also consider the safety implications that are involved: Are other countries insisting on the same standards we are? Are other countries guaranteeing the effectiveness of the medication—medication that is purportedly identical in strength? Are other countries using the same ingredients and ensuring that there are no impurities in these ingredients?

The conference provision focuses on these safety considerations and includes substantial safeguards against the reimportation of lesser-quality prescription medication and stringent regulation to ensure that Americans have access to only the safest of products.

Clearly, seniors are traveling to Canada because the price of prescription medications is generally less expensive than in the United States. The difference in the prices between the Canadian and the American market for pharmaceutical products does not come because we are purchasing different drugs or different quantities of drugs. It is this point that I hear the most about from my constituents: why can a person buy the same exact drug, in the same exact dosage, and the same quantity, for so much less in Canada than they can in Maine?

The disparity in costs between U.S. and Canadian drug costs reflects our different markets, but also the government-run health care system that limits its choices and proscribes doctors and

care for Canadian consumers. The Canadian health care system is a government-run monopoly, an approach soundly rejected by the American public in 1994. In the U.S., costs are constrained through the market—not by the government—as health insurers, pharmacy benefit managers, and preferred customers like the U.S. Department of Veterans Affairs negotiate heavy discounts based on the size of their insurance pool.

Seniors in the U.S. have limited bargaining power to negotiate down drug costs because they are not part of a single pool. Yet if seniors were united in a single group, they could exercise substantial clout in the marketplace to negotiate lower drug costs.

There are 39 million Medicare beneficiaries—and these 39 million customers purchase a third of our nation's prescription medications. This represents a very large section of the market. Enacting prescription drug coverage for Medicare beneficiaries will make seniors a part of buyer groups with greater marketplace clout. This market force will allow seniors as a group to negotiate discounted pharmaceutical costs that will not only be the most economically sound solution, but will also guarantee seniors coverage of their prescription drugs.

When American seniors find they have no market power, they often determine that their only recourse is to buy their much-needed drugs in a completely different market. It is fundamentally unfair when seniors in Maine feel they must drive across the Canadian border to obtain affordable prescription medications.

Allowing the reimportation of prescription medications is, at best, an interim approach. It can be implemented while Congress debates the larger issue of Medicare reform, and enacting meaningful prescription drug coverage for Medicare beneficiaries.

Again, Mr. President, I rise in support of these provisions and I thank the conferees for their willingness to address this vital issue and their dedication to hammering out a workable compromise.

Mr. ROTH. Mr. President, I rise today to express my grave concerns regarding a provision relating to our trade remedy laws that is a part of the agriculture appropriations conference report that is before us today. My concerns regarding this measure relate both to the way this provision found its way into this conference report, as well as to its substance.

With regard to procedure, I am troubled, to say the least, that a significant modification of our trade laws is being made with no consideration or deliberation by the committees of jurisdiction. I would have hoped that the Agriculture Subcommittee of the Appropriations Committee would have considered the importance of allowing the committee of jurisdiction—the Committee on Finance—to review this provision before deciding to adopt this

measure in conference. After all, this amendment represents a dramatic change in the function and purpose of our trade laws.

Currently, our trade laws are designed to address any dumping or subsidized sales into our market by imposing an offsetting duty on imports. With the enactment of this procedure, however, not only will the domestic producer enjoy the benefit of having a surcharge applied to the sales of its foreign competitor, but they will also get a significant cash payment courtesy of the U.S. treasury. This is not an insignificant amount. According to the U.S. Customs Service, over \$200 million of dumping and countervailing duties were assessed on imports last year.

What this will likely do is to encourage the filing of cases in circumstances that would not otherwise merit it. After all, the cash payment will not be made to the whole domestic industry. Instead, only those who supported the filing of the antidumping petition will be paid. Differentiating between different parts of a domestic industry in this way is unprecedented in our trade policy and completely unwarranted.

Now I understand that the money under this proposal is supposed to be funneled to research and development, and other legitimate purposes. But money is fungible, and I fear that we will only be encouraging litigiousness.

Who will benefit from this proposal? It is certainly not our consumers, who will pay significantly higher prices as a result, and who will likely have to suffer from an even greater number of cases being filed.

Our farmers and our other export industries will not benefit. After all, what will now happen with the enactment of this measure is that we will likely be obliged to pay in some future negotiation, such as market access on agriculture, to preserve what will undoubtedly be described as a private right of action to garner industry-specific government subsidies.

Ironically, the industries that traditionally rely on the dumping and countervailing duty laws will also likely get little benefit from this proposal. While I understand the frustration of some of those who have suffered from foreign dumping and subsidization, this measure, ironically, will do nothing to eliminate unfair trade practices or to ameliorate the conditions that allow these unfair trade practices to persist. We will only have undercut our own efforts to impose greater disciplines on European agricultural subsidies, Japanese support for its steel industry, or Korean support for their automobile industry. This is manifestly bad trade policy wholly apart from the serious technical deficiencies of the proposal.

And what will we say once our trading partners decide to follow our lead and adopt this same scheme in their trade remedy laws? Will we complain? Or will we sit quietly as our farmers and manufacturers begin to face yet another hurdle in their efforts to sell in foreign markets.

Mr. President, this is an ill-considered proposal that not only damages our broader trade policy interests, but it also up-ends the committee structure. I am a strong supporter of our trade remedy laws, but this proposal distorts our laws in a way that serves no constructive purpose. This is unfortunate and unnecessary, and I regret that the Agriculture Subcommittee chose to take this action.

Mr. COCHRAN. Mr. President, the conference report includes a provision that is designed to eliminate an inequity that has arisen regarding a special grade designation of rice known as sweet rice. This rice had been ineligible for price support for some time, but the Department of Agriculture changed the rules in December 1999 to make the 1999 crop eligible for marketing loans and loan deficiency payments for the first time. Unfortunately, producers of this rice had not been notified by the county offices of the crop's eligibility until after the period for obtaining loans and loan deficiency payments had expired.

The provision in the conference report is designed to correct this inequity. The provision would extend the eligibility date for such loans and loan deficiency payments and allow producers of such rice who lost beneficial interest in the crop on or before May 31, 2000, the final date for obtaining loans or loan deficiency payment, to obtain a loan deficiency payment based on the payment rate in effect on the date they lost the beneficial interest. Producers who lost the beneficial interest in their production after May 31, 2000 would be eligible to receive a loan deficiency payment based on the payment rate in effect on May 31. The conferees had agreed that this provision was necessary to make whole those producers of the crop who had lost the opportunity to obtain price support through no fault of their own.

Mr. COCHRAN. Mr. President, with sections 745 and 746 of this bill, the Congress intends to facilitate access for Americans to reimport U.S.-made prescription medicines, as long as it does not lower the safety standards that previous Congresses and Administrations have carefully developed in consumer, health and safety protection legislation over the years. Under these provisions, Americans are allowed access to U.S. products sold overseas at lower prices provided that those medicines, when reimported, are demonstrated to be safe and effective.

At the time the Senate considered this appropriations bill, the Senate adopted an additional safeguard to protect consumer health and safety. By a vote of 96 to 0, the Senate agreed to an amendment which Senator KOHL and I offered to the amendment of Senator JEFFORDS to include the Medicine Equity and Drug Safety Act of 2000 on this bill. That amendment is retained in this conference report, and requires the Secretary of Health and Human Services to make two determinations before the changes to the Federal Food,

Drug and Cosmetic Act, FFDCA, in section 745(c) can be implemented. The Secretary is required to demonstrate to the Congress that implementation will: (1) pose no additional risk to the public's health and safety, and (2) result in a significant reduction in the cost of covered products to the American consumer.

As contained in section 745(c), section 804(l) enlists the expertise and conscience of the Secretary of Health and Human Services to make a specific and clear demonstration to assure these changes to the law will produce their intended result and do no unintended harm. In a written report to the Congress, the Secretary is to demonstrate the factual basis for his or her decision. That report should include relevant analysis and information that implementation of these changes in law will pose no additional risks to the American public's health and safety and will significantly reduce retail prices.

After all, the motivation for these changes in law is to let U.S. drugs be brought back from Canada and other countries where they cost less, allowing these drugs to be available to individual American consumers at lower prices. If reimportation results primarily in profits for importers and does not result in a reduction in the price of drugs to American consumers, then the intent of these provisions is not achieved.

I believe that with the additional safeguard provided by the original amendment adopted by the Senate, we can be more assured that this new drug reimportation system, if implemented, will not have adverse unintended effects on public health and safety and will achieve its intended result of making drugs more affordable for individual American consumers.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield 5 minutes to the distinguished Senator from Vermont, Mr. JEFFORDS.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I have come to the floor to urge my colleagues to support this Agriculture appropriations conference report. I want to thank Senator COCHRAN, the chairman of the Senate Agriculture Appropriations Committee, for his work on this important legislation. In particular, I want to thank him on behalf of the dairy farmers across the nation, New England and Vermont. Included in this agriculture spending bill is badly needed support for dairy farms. These dairy assistance payments will bring approximately six thousand, four hundred dollars for the average 80-cow dairy farm. At a time when the nation's dairy farmers are facing low milk prices, these payments will help make ends meet.

In Vermont, these payments will give our dairy farmers a much needed boost heading into the long winter. I also

want to make a few brief remarks to reiterate my support for the prescription drug provision included in this bill, and to address some of the unfortunate rhetoric that I have heard during this debate.

We all know why this provision is in this bill. The American people are fed up with the situation that exists today, where Americans pay far more for FDA-approved, American-made prescription drugs than patients in any other country in the world. I am not here to demonize the drug industry. It's true that these companies are making some miraculous breakthroughs and improving the lives of many Americans. But why must Americans have to shoulder seemingly the entire burden of paying for research, development and a healthy return to shareholders? I believe it is time we put an end to this unfair burden. I don't think it is fair to expect Americans, especially our senior citizens living on fixed incomes, to pay the highest costs in the world for prescription medicines, many of which are manufactured within our borders. That's why more than a year ago I started working with the Food and Drug Administration, the agency responsible for overseeing the safety of the drug supply in this country to see if there were a way we could safely reimport prescription medicines into our country.

In July, on an overwhelming vote of 74-21, the United States Senate agreed to an amendment I offered with Senators WELLSTONE, DORGAN, GORTON, SNOWE, and others to do just that. Just three weeks ago, President Clinton endorsed the Jeffords language, saying "I support the Medicine Equity and Drug Safety Act of 2000 which the Senate passed" and "I urge you to send me the Senate legislation." The negotiators for the House and Senate on the agriculture appropriations bill have now completed their work. Unfortunately, the process used in reaching this agreement was marred by partisanship. That is regrettable. But the product is as strong as the one endorsed by the Clinton administration, and even stronger in some respects.

Some of my Republican colleagues have criticized this proposal for going too far. My Democratic friends have criticized this for not going far enough. The legions of lobbyists for pharmaceutical industry vigorously oppose this proposal, and tried their best to get it stripped from this legislation. I continue to believe that the proposal before the Senate today, while slightly different from my plan, is a strong and workable proposal. Critics have argued that the proposal has been weakened because it allows drug companies to frustrate the intent through manipulations of sales contracts. The fact is, this bill is stronger than either the House-passed or Senate-passed versions because it includes a clear prohibition of such agreements—something that was missing in the House and Senate bills. In fact, let me quote from that



section of the bill: "No manufacturer of a covered product may enter into a contract or agreement that includes a provision to prevent the sale or distribution of covered products imported pursuant to subsection (a)."

I don't know how to be more clear and simple than that. But just in case my colleagues think that stronger language is needed, the bill grants to the Secretary the ability to react to unanticipated challenges through language in another section which requires that the Secretary issue regulations containing any additional provisions necessary "as a means to facilitate the importation of such products." Such broad authority will ensure that this provision works. In fact, less than 10 days ago, at the very time that the Clinton administration was changing its position on the Jeffords amendment, the New York Times reported that it planned to implement the Patient's Bill of Rights by regulation. It is hard to understand why the administration so eagerly sees regulatory authority where many do not, yet cannot see it when plainly written in the statute. Critics have claimed that the latest version of the bill contains a loophole regarding the labeling requirements. The fact is, the bill requires manufacturers to provide all necessary labeling information, and the provision that I just quoted gives the FDA very broad power to write any other rules necessary to accomplish the intent of the provision. Moreover, this labeling language is unchanged from the version that adopted by the Senate and endorsed by President Clinton.

Critics have claimed that the bill unfairly restricts the countries from which these products may come. The fact is that the bill lists 23 countries to start the process, and lets the FDA expand the list at any time. Critics have complained that this bill will expire after about 7 years. The fact is that this is a vast improvement over the House-passed version which would have expired after only one year. As we all know, major legislation is frequently required to be reauthorized on 5 year cycles in order to force Congress to make improvements, and popular effective laws always survive this process.

Mr. President, this bill, like any other, may not be perfect, but the fact is that it is stronger than the original Jeffords amendment. That is why John Rector, senior vice president for the National Community Pharmacists Association who has been a leader in the effort to reimport lower cost drugs and whose members would be importing under this provision. Mr. Rector recently indicated that this bill, "will result in the importation of far less expensive drugs." This is a workable bill, and that is why the pharmaceutical industry is fighting this tooth and nail—they know it will work. They would like nothing more than to see us to kill this bill. One of our colleagues in the House, who has complained that this provision does not go far enough, noted

that this is "the first defeat ever suffered by the pharmaceutical industry in memory."

Now I ask you, if this bill is unworkable as the critics have charged, why is the pharmaceutical industry so opposed to the bill, and why are even our critics calling this a defeat for the industry? That should tell you something about what they really think the effect will be of this provision. As I said before, Mr. President, I am disappointed with how partisan this issue has become, but I am glad that the President has said he will sign the bill. I am calling on Congress to put partisanship aside and pass this bill. And I am calling on the Clinton administration to quickly write these regulations so that ordinary Americans can realize savings on prescription drugs as soon as possible.

Mr. President, I rise also today in support of two important food stamp provisions included in this conference report. These provisions are based upon S. 1805, the Hunger Relief Act of which I was proud to be an original cosponsor.

The language in the bill will allow low-income people who spend more than 50 percent of their income on housing to receive food stamp benefits at a level that more accurately reflects their need. Additionally, it will allow low-income people who need a car to find or keep work to still receive food stamp benefits and continue to own a reliable car.

These provisions will provide important relief for needy families in Vermont and all around the United States. In Vermont alone, 42,000 people, the great majority families with children or senior citizens, are on food stamps.

Both provisions in this conference report are important to my state of Vermont. First, the increase in the maximum amount of excess shelter expense deduction to qualify for food stamps is important as we have lately seen housing prices increasing rapidly in Vermont. Without the increase contained in the conference report, rapidly rising housing prices are diluting the effectiveness of the food stamp program because the true need for food stamps is not being adequately represented. The vehicle allowance provisions are vital in a rural state like Vermont where a reliable car is almost a necessity to get to or find work. Providing flexibility in the vehicle allowance will allow low-income individuals to qualify for food stamps while being able to continue to own a reliable car.

While I would have liked to have seen the entire Hunger Relief Act included in this appropriations bill, the inclusion of these two provisions is an important first step forward. I will continue to push for Congressional passage of the entire Hunger Relief Act, but wanted to express my gratitude to the conferees for the inclusion of these provisions which are so important to my constituents.

Mr. President, as the principal author of the drug importation amendment included in the Agriculture Appropriations bill, I am taking this opportunity to provide a detailed explanation of the provisions of the drug importation section.

The conference report to H.R. 4461 amends the Federal Food, Drug, and Cosmetic Act and expands the entities permitted to import certain drugs into the U.S. under Section 801 of the Act, to include pharmacists and drug wholesalers. The Secretary of Health and Human Services will promulgate regulations to carry out the importation provisions after consultation with the United States Trade Representative and the Commissioner of Customs.

Under the new section 804(b), the regulations promulgated by the Secretary must ensure that each drug product that is imported under this section complies with section 501, 502, and 505, and any other applicable provisions of the Federal Food, Drug, and Cosmetics Act (FFD&C Act) and is safe and effective for its intended use, as well as the provisions of this section. This provision also grants broad discretionary authority to the Secretary to include any additional provisions in the regulations that are necessary to protect the public health and to facilitate the importation of drug products under this section.

Subsections (c) and (d) outline extensive record keeping requirements that must be met in order to import under this law, including:

(1) the name, amount and dosage description of the active ingredient;

(2) the shipping date, quantity shipped, and points of origin and destination for the product, price paid by the importer, and price sold by the importer;

(3) verification of the original source and amount of the product received;

(4) the manufacturer's lot or control number;

(5) the name, address, and telephone number of the importer, including the professional license number of the importer (if any);

(6) lab records assuring that the product is in compliance with established standards;

(7) proof that testing was conducted at a qualifying laboratory; and

(8) any other information the Secretary determines is necessary to ensure the protection of the public health.

For a product that is coming from the first foreign recipient, the importer must also demonstrate: (1) that the product was received from a U.S. manufacturer, (2) the amount received and that the amount being imported into the U.S. is not more than the amount received, (3) for the first shipment, documentation showing that each batch was statistically sampled for authenticity and degradation, (4) for all subsequent shipments, documentation that a statistically valid sample of the shipments was tested for authenticity and

degradation, and (4) that the product meets labeling requirements and is approved for marketing in the U.S.

For a product not coming directly from the first foreign recipient, the importer must have documentation demonstrating: (1) that each batch is statistically sampled and tested for authenticity and degradation, and (2) that the product meets labeling requirements and is approved for marketing in the U.S. All testing must be performed at an FDA-approved U.S. laboratory.

Subsection (e) requires that manufacturers provide information to importers sufficient to authenticate the product being imported and to meet the labeling requirements of the FFD&C Act. This provision is understood and intended to require manufacturers to provide such labeling information as is necessary for importers to comply with applicable labeling requirements sufficient for sale and marketing in the U.S. It is also understood and intended that the requirements and authority granted in this provision are supplemented, if necessary, by the broad discretionary authority contained in 804(b)(3) to facilitate the importation of drug products under this section. This information shall be kept in strict confidence. Pursuant to the "Enhanced Penalties" subsection below, violation of this subsection is punishable by 10 years in prison or a fine of \$250,000 or both.

Subsection (f) refers to an initial list of countries with recognized regulatory structures from which drugs may be imported under this section. The list includes Canada, Australia, Israel, Japan, New Zealand, Switzerland, South Africa, and the EU (Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, England, Liechtenstein, and Norway). The Secretary may expand the list at anytime, taking into consideration protection of the public health.

Subsection (g) requires the Secretary to suspend imports of specific products or by specific importers upon discovery of a pattern of importation of counterfeit or violative products, until an investigation has been completed.

Subsection (h) prohibits contracts or agreements that include any provision preventing the sale or distribution of imported drugs under this section. This provision is understood and intended to prevent manufacturers from "gaming" the system or interfering with importation under this section through contractual arrangements that utilize restrictions or disincentives for reselling the drugs into the U.S.

Subsection (i) requires the Secretary to conduct a study regarding the compliance of importers with the requirements of this section, and the incidents of importation of noncompliant shipments of prescription drugs under this section, as well as the effect of importations under this section on trade and patent laws. The Comptroller General

will study the effect of this provision on prices of covered products.

Subsection (k) provides definitions for a number of terms in this act, and includes several changes and additions from Senate-passed version. The definition of "covered product" clarifies that certain controlled substances are not eligible for importation, and that biological products are also ineligible. In order that this act not create a disincentive for charitable contributions of drugs to foreign countries or humanitarian organizations, this subsection excludes such products from eligibility under this act.

This provision also recognizes that many parenteral drug products (drugs that are administered through IVs, injections, or other means other than orally) are considered by the Secretary to be more sensitive to improper storage and handling, and may be at a higher risk of degradation or present more difficulty in testing for authentication or degradation. Therefore, the 801(d)(1) importation restriction shall continue to apply to parenteral drug products, the importation of which, according to the Secretary, may pose a threat to the public health.

The definition of pharmacist is similar to that in the Senate-passed bill, and is presumed to include a licensed pharmacist, since such a pharmacy is required to have a licensed pharmacist of record.

Subsection (l) is similar to the amendment offered by Senator COCHRAN and adopted unanimously by the Senate during the floor debate. The provision, as included in this conference report, has been changed to require the Secretary to "demonstrate" (instead of "certify" in Senate-passed version) that implementation will "pose no additional risk" (instead of "pose no risk" in the Senate-passed version). The provision is otherwise identical to the Senate-passed version.

This act is no longer effective after 5 years from the effective date of the regulations promulgated hereunder. The 5 year clock will begin to run after the regulations are finalized and any litigation is completed.

The conference report includes a new subsection which clarifies that a violation of this section is a prohibited act under the FFD&C Act. This new provision also provides for enhanced penalties (10 years in prison and/or \$250,000 fine) for manufacturers who fail to provide information necessary for testing or labeling of imports, and importers who divulge such information for any purpose other than verifying authentication or degradation tests.

The conference report includes a provision that passed the House earlier this year pertaining to the importation of prescription drugs imported for personal use. Current FDA practice has been to not confiscate certain drugs reimported for personal consumption, but, in many cases, to send intimidating warning letters that do not specify how the law is being violated.

This bill includes provisions prohibiting the FDA from sending warning notices unless it includes a statement of the underlying reasons for the notice.

Finally, Mr. President, I would like to thank my colleagues that worked so closely with me on this issue. Specifically, I would like to thank Senators GORTON, WELSTONE, and DORGAN, and their staffs, Kristen Michal, John Gilman, and Stephanie Mohl for their countless hours of work on this provision. Without the bipartisan cooperation of my colleagues, passage today of this provision would have been impossible.

I urge my colleagues to support this provision and support this Agriculture appropriations conference report.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. Mr. President, I yield 4 minutes to Senator BYRD.

Mr. BYRD. Mr. President, now before the Senate is the conference report on H.R. 4461, the Fiscal Year 2001 Appropriations bill for Agriculture, Rural Development, the Food and Drug Administration, and Related Agencies. This conference report includes many items important to West Virginia, and to all states, relating to agricultural research and production, conservation, rural development, food assistance, human health, and many other priority areas. I congratulate Senator THAD COCHRAN, Chairman of the Agriculture Subcommittee, and Senator HERB KOHL, Ranking Member, for their hard work in finalizing this very important conference agreement.

This conference report provides a total of \$74.458 billion in new non-emergency budget authority. This total includes \$34.691 billion for agricultural programs (including reimbursement to the Commodity Credit Corporation for net realized losses); \$873 million for conservation programs; \$2.487 billion for rural development programs; \$34.117 billion for domestic food programs; \$1.091 billion for international trade assistance programs; and \$1.168 billion for related agencies, including the Food and Drug Administration.

It is important to note that this conference report includes more than the annual Fiscal Year 2001 appropriations for programs under the jurisdiction of the Agriculture Subcommittee. This conference report also includes \$3.642 billion in emergency spending. This funding is related, in large part, to action taken by the Senate Appropriations Committee on May 9, 2000, when the Committee approved Fiscal Year 2000 Supplemental Appropriations. The House of Representatives approved a similar FY-2000 Supplemental Appropriations bill on March 30, 2000.

Included in the \$3.642 billion in emergency spending are provisions to provide assistance to those who have suffered from natural disasters which have occurred this year and to partially offset certain market losses suffered by the agriculture sector. When

the Appropriations Committee considered supplemental spending more than five months ago, I offered a number of amendments, which were adopted, to provide a timely response to predicted summer drought conditions. One of those provisions would provide \$450 million for livestock-related losses, more than double the amount available last year. Another item provided an additional \$50 million in loans and grants to provide water supply in rural communities, especially those suffering from drought conditions. I am happy to report that this conference report includes these two items and levels of \$490 million and \$70 million, respectively.

One other item included in this conference report is a provision which I proposed on the subject of compensation to U.S. industries for losses sustained as a result of unfair foreign trade practices. The U.S. agriculture and manufacturing sectors have been able to avail themselves of legal remedies to challenge foreign actions, but have not had adequate means to recover from the losses resulting from those actions. Now, such a mechanism will be in place and U.S. farmers and workers of all trades affected by unfair trade practices will be able, in essence, to recover monetarily rather than simply having the right to file a complaint.

This extra step is necessary. Current law has simply not been strong enough to deter unfair trading practices, whether in the agriculture or manufacturing industries. Continued foreign dumping and subsidy practices have reduced the ability of our injured domestic industries to reinvest in their workers, equipment, or technology. My provision simply provides a mechanism to help injured U.S. industries recover from the harmful effects of illegal foreign dumping and subsidies. And, most importantly, if our foreign trading partners play by the rules, my provision will never have to be used.

Mr. President, this conference report includes many items important to all Americans, and I am happy to support it. Action on this measure is long overdue. Disaster assistance is badly needed to help people all across the nation who are suffering from drought, storms, floods, and crop loss due to infestations of pests and disease. I urge all my colleagues to join me in support of this conference agreement.

Mr. COCHRAN. Mr. President, I yield 5 minutes to the distinguished Senator from Louisiana, Mr. BREAUX.

Mr. BREAUX. Mr. President, congratulations to the chairman and Senator KOHL for the work they have done on this Agriculture appropriations bill. It indeed has been a very difficult endeavor. I plan to vote for final passage of this Agriculture appropriations bill because I think it is very important and there are many very important things in it dealing with agriculture, which is with what we would think an Agriculture appropriations conference report should deal.

I highlight, however, one thing that I think is very bad public policy; that is, the question of an amendment to this bill allowing for the importation of foreign drugs manufactured in foreign countries, under foreign standards, to be imported into the United States under the guise of "this is the solution" or even a partial solution to the high costs of prescription drugs and the unavailability of prescription drugs under our Medicare program for the 40 million senior citizens in this country who need prescription drugs.

Many people said when the bill left the Senate that this provision that was added was a sham. I thought it was a sham when it left and it has come back and it is a worse sham than when it left. This is "Son of Sham," or a double sham, in the sense that this makes absolutely no sense.

Members of both sides of the aisle have said: We are against drug price controls because that is un-American; that is not the way we encourage businesses to operate; we want businesses to compete against each other and the companies that can do the best job for the best price get the business. That is what the American system is all about.

Instead, we have in this bill a provision that says, we might not like price controls in this country, but we are going to import not only the drugs from other countries but their price control systems—as if that somehow makes it all right. The concept is other countries have price controls; therefore, it is cheaper. The fact is, in Canada, to which so many of our people point, there are some drugs that are cheaper because of price controls, but there are many other drugs that, in fact, cost more in Canada than they do here. In many cases, the drugs we have here are simply not available in Canada at all, or maybe a year or two after they are available in the United States, because of the adverse impact of a price control system we are now trying to import into this country.

In addition to that reason that this is bad policy, there are about 10 former Food and Drug Administration agencies that said: Wait a minute; hold on, Congress. What in the world are you doing? This is not a safe process you are legislating into law. We are not going to be able to determine the safety of these drugs. Maybe in Canada it would be all right, but what about Pakistan or what about a Third World country or what about a country we have very little to do with? Are we going to let the drugs come in from those countries as well, which this bill allows? How are we going to be able to guarantee that the same safety or precautions that are in effect in a Third World nation are in effect here in the United States in order to protect the consuming public? How are we going to know that the little pill that is the same color and approximately the same size has in it the same material that it has in this country, that has been approved by our Food and Drug Administration?

This may give some of our colleagues a feeling we have done something to solve the prescription drug cost problem for our seniors. It does not. It does not come close. This is not even a fig leaf of coverage for those who reply to: What have you done on the issue of prescription drugs? The answer is, we probably made the system worse by bringing in drugs the quality of which we cannot guarantee. We cannot guarantee where they came from, how they were produced, or who has been protecting them since they left the factory and ultimately found their way into the United States. The answer is not that complicated. What it takes is a lot of political courage to do what is right and to tell our seniors there are no real easy answers to this problem.

What we need to provide to America's seniors is the same thing that I have as a Member of the Senate, that every one of my colleagues has and every one of the Members of the other body has and the other 9 million Federal employees have; that is, coverage under their health insurance plans that cover prescription drugs. When I walk into a drugstore, I do not pay full retail price, not one of us does. We get a discount because we do volume purchasing under our Federal insurance plan. In addition to the volume purchasing, we also have a very small copay, which allows us, instead of having to pay full price, to pay only a fraction of the price. That is the same type of system we should put into effect for our Nation's seniors.

The PRESIDING OFFICER (Mr. VOINOVICH). The 5 minutes of the Senator has expired.

Mr. COCHRAN. Mr. President, I yield the distinguished Senator 2 additional minutes.

Mr. BREAUX. I don't want to belabor the point, but when I walk into a drugstore, the retail price may be \$100. But because of volume purchasing, it may only cost me \$70, and because I have coverage, I don't pay \$70. I pay a small copayment of maybe \$30. I walk out of the drugstore with \$100 worth of drugs paying only \$30 because I am covered. A Medicare recipient who has no coverage pays the full retail price of \$100. That is what is wrong with the system as it is currently constructed.

The answer clearly is not to say we are going to allow people to import drugs from Bangladesh or Pakistan or other countries around the world where we cannot guarantee the quality. That is not the way to do it. It was a sham when it left the Senate. It is a sham as it is being presented to the Senate today. We should have the political courage to address this in a very serious way.

To those of our two colleagues who have worked so hard on this, I thank them for their understanding and their participation. I do not fault them for what has happened. It passed the House by a huge margin. It passed the Senate by a huge margin. It is not the right policy and doesn't solve the problem. I

wanted to bring it to the attention of my colleagues.

Having said that, I intend to vote for the overall product because of the many good things it has in it for American agriculture and American farmers. I think our two leaders are to be congratulated for that product they bring before the Senate.

Mr. COCHRAN. Mr. President, I yield 5 minutes to the distinguished Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to share a few remarks about the Agriculture bill. I thank Senator COCHRAN and his committee for their work on a very difficult issue at a very difficult time for agriculture. There are no easy solutions to the problems farmers are facing. We know farmers are in trouble. One experienced farmer who heads the Alabama Farmer's Federation told me that without Federal help, he believes in just the next 2 years, one-third of the farmers in Alabama would have gone out of business. It has been costly, but I believe what we are doing is the right thing to do.

Also, before I make those remarks, I would like to say I did return, with quite a number of Senators this afternoon, from the memorial service at Newport News to recognize the sailors who lost their lives in this attack on the *Cole*. We have to remember the *Cole*. We have to remember them. For a whole lot of reasons it was a very meaningful experience for me and I believe for their survivors. I was able to meet a number of sailors who had been wounded. I think all of us in this country need to pause, periodically, to remember how much we owe to the men and women in uniform.

This year, farmers in my home State have faced the worst drought in over a century. In particular, farmers and cattlemen in the southeast region of the state, have been devastated. This drought has come after two previous years of drought. Scorching temperatures and virtually no rain have made it extremely difficult for these fine men and women to continue to farm. In Headland, AL, for example, only 18 inches of rain has fallen this year. This is a part of the State that normally sees over 45 inches by this time.

More rain has come lately but not nearly enough and not soon enough to compensate for the earlier losses. Corn yields are down 40 percent. The peanut crop has had a very bad year, and the cotton crop has been very bad.

It has not been a good year at all for Alabama farmers. This drought has been one of the most severe on record. At some point since March 1, all parts of Alabama have been classified "exceptional drought" by the U.S. Drought Monitor. This is the most severe drought rating.

The entire State has been declared a disaster by the Secretary of Agriculture, and the Department of Agri-

culture has done some good work in helping to respond to the crisis.

However, I continue to hear from farmers at home that they question how long they can actually stay in business if the situation doesn't improve. A combination of bad crop-years and low prices can be devastating. Some livestock producers have liquidated their herds. Nearly all of them had to sell their stock earlier and lighter than normal, costing them money. Over 50 percent of this year's hay harvest has been lost, and this is just in Alabama. There have also been droughts in other States such as Mississippi, Georgia and Texas.

The \$3.6 billion in emergency disaster aid included in this conference report is needed to assist these families and others who have experienced losses from drought, fire and other natural disasters.

I am especially pleased that Senator COCHRAN and the conference committee agreed to retain my amendment in the Senate version of the bill to assist Alabama in its emergency hay and feed operations for livestock producers. The Commissioner of Agriculture and Industries, Mr. Charles Bishop; the Alabama Cattlemen's Association and Dr. Billy Powell, its leader; the Alabama Farmers Federation; and other organizations have worked together to provide assistance to struggling cattlemen throughout the summer. Unfortunately, the funding for this assistance has run out. The State funding has collapsed. The \$5 million in this conference agreement will go a long way to help these cattlemen make it through the winter without having to sell off their herds, which undermines their ability to have a productive economic enterprise.

I am also pleased that the conference report contains funding for a number of fine agricultural research projects in Alabama and all over the country. These projects keep us on the cutting edge of agriculture, and it is the only way we will be able to compete successfully in the world market. It includes catfish disease research. Catfish is one of the biggest cash crops for agriculture in the State. Peanut allergy research is a critical issue for us. I am particularly pleased the funding for Satsuma orange research was retained in the conference report.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. SESSIONS. I ask unanimous consent for 2 additional minutes.

Mr. COCHRAN. Mr. President, I yield the distinguished Senator what time he may consume.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the funding for Satsuma orange frost research will go a long way to nurturing this fledgling industry along the gulf coast.

At the beginning of the 20th century, Satsuma orange groves flourished throughout the gulf coast. Indeed, they

were running advertisements encouraging people around the country to come down and grow Satsuma oranges. In fact, 18,000 acres of the sweet, easy-to-peel fruit were farmed during the twenties and thirties along the upper gulf coast. However, a period of severe winters around 1940 led to the decline of Satsuma production.

Today, fledgling Satsuma groves exist in Alabama, Louisiana, and Texas. Research by Auburn University, one of the finest research institutions in the world, is being conducted to determine how to make this fruit more frost resistant. There are some ideas percolating that may actually do that. This funding will give us the opportunity to revitalize this industry.

I am certainly pleased with the overall agricultural spending. We have a lot of emergency assistance for farmers this year because it has been a particularly bad year in some areas of the country, including Alabama.

Again, I thank Chairman COCHRAN for his leadership. He understands this issue; he understands this Senate. He has wrestled with these issues for years, and his leadership will help this bill pass with overwhelming support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I thank and congratulate the chairman of the subcommittee, Senator COCHRAN, for all of his work in crafting this conference report. I believe overall this measure does a very good job of providing funds for ongoing work at USDA, FDA, and the other agencies covered in this bill. It also provides much needed emergency relief for farmers and ranchers suffering from both market loss and natural disasters.

However, I am disappointed that the conference committee could not come to a better conclusion on two highly controversial issues involving trade sanctions and reimportation of prescription drugs.

With regard to the Cuba provision, I would have preferred the Senate language. That language received broad support in this body.

With respect to the reimportation of prescription drugs, I am concerned the language in this report has too many restrictions and may not result in lower drug prices for our seniors, as well as others.

While some of us disagree on the language of these two items, nevertheless this conference report does provide immediate and targeted economic relief to struggling producers. Some producers are receiving the lowest prices for their products in over 20 years.

With respect to the dairy industry, the emergency provisions included in the conference report do not solve the larger problems facing our industry. However, it is an appropriate and vital step in protecting family dairy farmers. I encourage all Senators to support this conference report.

The conference report accompanying the fiscal year 2001 Agriculture appropriations bill provides \$78.5 billion in

funding for the operations and programs of the U.S. Department of Agriculture, the Food and Drug Administration and other agencies. This conference report includes much needed emergency relief to assist farmers hurt by economic and weather-related losses. The conference report also includes legislative language regarding food and medicine sanctions and language regarding the reimportation of prescription drugs. I am pleased that the conference committee also accepted a provision that will make it easier for citizens to participate in the federal food stamp program.

From the beginning of this year's appropriation cycle I have been honored to work with the very distinguished Chairman, Senator COCHRAN. The Senator from Mississippi has done an outstanding job of steering this bill through the appropriation process and I believe that with his leadership we have achieved a very fair and balanced conference report.

There are two highly controversial issues relating to this conference report which prevented the House and Senate conferees from moving this bill prior to today. In fact, the FY 2001 Agricultural Appropriations bill was reported by the full Appropriations Committee on May 20, 2000 and was approved by the full Senate on July 20, 2000. With farmers and ranchers struggling with significant market losses and natural disasters, it was my hope that we would have moved this legislation to the President's desk prior to the August recess period.

With regard to the Cuba language, I am disappointed that the conferees did not accept the language that was included in the Senate version of this bill. The language approved by the Senate received broad support and would have created expanded opportunities for Americans to sell food and medicine to Cuba. The provision included in this conference report makes it more difficult for these sales to take place, by preventing U.S. financial institutions from providing financing. The provision also codifies travel restrictions on Americans going to Cuba, making it more difficult for farmers to travel to Cuba to negotiate a sale. Although I do not believe we should be lifting our broader embargo on Cuba until we see democratic reform in Cuba and the end of the repressive Castro regime, in the meantime, I believe that blocking the sale of food and medicine has done little to bring us closer to that goal and has the unintended consequence of harming the very people we want to help.

With regards to the reimportation of prescription drugs, I am extremely disappointed with the process by which the conference provision was developed. We started with a very bipartisan process to develop workable language, but unfortunately, that process was hijacked. Instead, decisions were made in backroom deals behind closed doors. Even when improvements were sug-

gested that would improve the language, they were ignored. This process was a disgrace to the Senate and to our nation's seniors who would benefit far more from a bipartisan process.

American consumers are rightly concerned about the high costs of prescription drugs—especially when compared to prices in other countries. These high costs are forcing America's seniors to often choose between buying food or paying for their medicine bills. America's seniors have footed the bill for the pharmaceutical industry's high profits for far too long.

I believe reimportation could help alleviate the high costs for many seniors, but I am concerned that the language in this conference report has several loopholes that will prevent it from being fully effective. In particular, I am concerned that the sunset provision will have a chilling effect on pharmacists and wholesalers, who may not invest in reimportation because the ability to do so will end in five years. And I am very concerned that drug companies can still keep American prices high by demanding that foreign sellers charge American pharmacists and wholesalers the higher, American-set prices when they reimport drugs. All of these issues, of course, could have been resolved in a bipartisan process.

That said, I am hopeful that the spirit of the reimportation provision—to lower drug prices for American consumers—will become a reality as it is implemented. Let me remind the drug companies in this country that reimportation was overwhelmingly supported in both Houses of Congress. We fully expect drug companies to comply with the intent of the law, and not look for loopholes to continue to inflate their profits.

Most importantly, let me say that while reimportation is an important first step toward helping seniors with high drug prices, make no mistake: this is not a substitute for a Medicare prescription drug benefit. Anyone who claims that reimportation is the answer to the outrageous drug prices seniors face is out of step with reality.

Drug prices are a major problem—but so is coverage. With one-third of seniors lacking any drug coverage at all, it is critical that we pass a Medicare prescription drug benefit as soon as possible.

While some of us may disagree with the outcome on the Cuba sanctions and re-imported drug issues, this conference report does provide immediate and targeted economic relief to struggling farmers and ranchers. In my state of Wisconsin alone, we are losing three dairy farmers a day. While the dairy market loss payments included in this conference report does not solved the larger problems facing our industry, it is an appropriate and vital step necessary to protect our family farmers.

Section 805 of the conference report provides assistance to dairy farmers in

an amount equal to 35% of the drop in the price this year from the previous five year average. Let me restate that, "35%" of the "drop" in price. By contrast, earlier this year the administration proposed a farm emergency package for program crops that would have provided payments to guarantee farmers of certain commodities "95%" of the previous 5 year average "total gross income".

I cannot overstate the devastation the current dairy price collapse is bringing to family farms all across America. Back home in Wisconsin, the crises is overwhelming. Recently, I received a call from a dairy producer named Tom LaGessee of Bloomer, Wisconsin. Mr. LaGessee informed me that in his small town, located in northwest Wisconsin, five producers within the span of one week went out of business. He also told me that if we do not provide immediate, and direct emergency payments within 60 days, he would be the next producer to go out of business. All too often we hear a lot of talk about saving the family farm but little action. Mr. President, these dairy payments will hopefully save Mr. LaGessee and many, many others like him.

I am aware that producers may have questions regarding the implementation of the dairy payments included in this conference report. That is why I would like to insert into the RECORD the following questions and answers that may address the concerns of producers across the country.

#### QUESTIONS AND ANSWERS REGARDING EMERGENCY DAIRY PAYMENTS

Question: How soon after the President signs this bill into law can dairy producers expect to receive payments?

Answer: For existing dairy farmers who received Dairy Market Loss Assistance payments earlier this year, payments should go out fairly quickly. New producers who have not previously applied for or received Dairy Market Loss Assistance payments from USDA may wait a little longer.

Question: How will payments be calculated?

Answer: Each producer's payment will be calculated by multiplying their "eligible" production by the payment rate. The payment rate equals 35 percent of the decline in the market value of milk in 2000 from the previous five year average. During 1995-99, the market value of all farm milk as reported by USDA was \$14.25 per hundredweight. USDA currently projects the all milk price will average \$12.40 per hundredweight in 2000, so the projected payment rate would be .35 times \$1.85 or about 65-cents per hundredweight.

Eligible production for existing producers who received payments under the earlier program will, in most instances, be their actual milk production marketed in either 1997 or 1998, whichever is higher, up to a limit of 3.9 million pounds. Eligible production for existing producers who received payments under the earlier program, but had no production in 1997 or 1998, will be their actual milk production marketed in 1999 up to a limit of 3.9 million pounds.

Existing producers in either of the above categories who had less than 12 months of production in the base year used to calculate their earlier payments will have the option of substituting their actual production marketed during the 12 months from October 1,

1999, through September 30, 2000, up to a limit of 3.9 million, if it is greater than their base period marketings used for the earlier payments.

Finally, eligible production for new producers who did not receive payments under the earlier programs will be their actual production marketed during the 12 months from October 1, 1999, through September 30, 2000, up to a limit of 3.9 million pounds.

Question: Does a producer have to fill out forms or can they expect to automatically receive their payment?

Answer: The Secretary of Agriculture will decide exactly how to administer the program and what will be required of producers. However, I believe he can automatically pay existing producers who participated in the earlier payment programs and that only those new producers and those few who have the option of updating their base period production should need to fill out new applications.

Question: How much should producers expect to receive?

Answer: First, a producer's payment does not depend directly on the number of cows on the producer's farm but on the producer's eligible production as described above. A producer can estimate his own payment by multiplying his eligible production by the estimated payment rate of 65-cents per hundredweight. An average milk cow produces 17,200 pounds of milk per year. Using this average, producers can expect about \$112 per milk cow. A herd of 225 average milk cows will reach the 3.9 million pound limit and receive the maximum payment of about \$25,000.

Also included in the conference report is a cranberry relief package that provides assistance to cranberry growers who are suffering with record low prices. This year, my state of Wisconsin will lead the nation in cranberry production. The language in the conference report provides \$20 million for direct cash payments to growers and language directing the USDA to purchase \$30 million worth of cranberry products.

The cranberry direct payments provision is similar to other market loss assistance provisions in the bill. In order to insure that the funds are equitably distributed in the market place, the provision includes a cap on payments that would be limited to not more than 1.6 million pounds per separate farm unit, regardless of farm ownership.

In recent weeks, the cranberry industry has been working very closely with USDA and the recipients of federal food distribution programs to support purchases of juice concentrate, frozen fruit, or other comparable high-concentration fruit products that will remove the highest quantities of surplus fruit from current inventory. The industry and USDA is working to ensure a nutritious and easy to use product available for the recipients of federal food distribution programs. I appreciate the close cooperation of the Department on this and urge them to move quickly to address this disastrous surplus situation through additional purchases of products containing high concentrations of cranberry products provided for in the bill.

I close by reminding my colleagues that I support the conference report. I

also express my sincere appreciation to Senator COCHRAN for his leadership, his fairness, and expertise in the many programs and accounts included in this bill. I thank Senator COCHRAN's subcommittee staff for all their work on this conference report. I urge all Senators to join me in support of this important conference report.

I thank the Chair, and I yield the floor.

Mr. COCHRAN. Mr. President, what is the status of the time and the allocation between both sides?

The PRESIDING OFFICER. The Senator from Mississippi has 10 1/2 minutes, and the Senator from Wisconsin has 2 minutes 50 seconds.

Mr. COCHRAN. Mr. President, I appreciate very much the comments that have been made by a number of Senators about the development of this legislation and the efforts we have made to negotiate an agreement with the House and bring back this conference report for final consideration by the Senate today.

There have been some statements made on the floor today that I think require a response. There was some singling out of individual research projects by the distinguished Senator from Arizona as if these were pork barrel projects. One response has already been made, and that was by the distinguished Senator from Alabama as he talked about some of the specialty crops and specific agricultural and aquacultural activities in his State. He explained the importance of ongoing research initiatives that will help improve the opportunities for agricultural producers to grow those crops and engage in those agricultural and aquacultural pursuits, and to do so profitably, helping to guarantee safe and wholesome supplies of food and food products for people in that State and throughout the country.

We have had a very difficult time in agriculture this year, and because of research, we are able to overcome some of those difficulties and provide hope that in these areas of particular stress in agriculture and aquaculture, we will be able to offer better days in the future.

A considerable attempt and a determined attempt is made in this legislation to identify ways to help improve the opportunities for U.S. agricultural producers to stay in business, to deal with the problems of drought, of infestation of insects and pests, to deal with the problems of weeds and other threats to efficient operation and production of our agricultural lands.

There is nothing wrong with the Government providing Federal funds to help identify better ways of dealing with these problems in agriculture.

One other comment that particularly distresses me is the emphasis on criticizing the existing farm bill as if it is the reason farmers are having such a difficult time.

I recall several years ago when we first realized that in the Asian econo-

mies they were getting to the point where they were no longer able to import from our country agricultural commodities in the quantities that they had in the past because of the economic crisis. Particularly countries such as Korea, Japan, and other Asian economies were suffering—the so-called “tiger economies” of Southeast Asia. And to hear today a statement that for several years in a row we have had to adopt agricultural disaster and economic assistance programs because of the Freedom to Farm Act. Have Senators forgotten some of the problems that our agricultural producers and exporters have had to overcome that had absolutely nothing to do with the Freedom to Farm Act but everything to do with a worldwide economic crisis? That is the main problem that agriculture had in the first 2 years of this existing farm bill.

To hear some Senators today indicting, again, the Freedom to Farm bill for the results of this year's drought is another new stretch of the imagination and credibility of this institution. Senators know enough not to believe that.

The Senator from Alabama was pointing out how in his State the drought problems are the worst in memory—and not just this year but add to the problems that occurred last year—and you understand how serious, how desperate the situation is in agriculture in Alabama this year, to cite one example. It has nothing to do with the Freedom to Farm Act.

Many worked very hard to craft the farm bill of 1996, Democrats and Republicans in the Senate and in the House—of course, it was not unanimous. But they worked hard to develop the best possible legislation under which we could provide support and rules under which the Federal Government could make available incentives for production agriculture, stabilize prices, and have a predictable level of support from the Federal Government. The bill attempts to avoid the ups and downs, the whims, of one administration or the other, the vicissitudes of a Congress that is unpredictable at best on these matters. The bill prescribed well in advance, over a period of years, the level of assistance for commodity producers that were eligible for benefits—that was the result of that negotiation in the legislation that was produced.

And now to lay it all off on that, as if that is the reason for these difficulties, to me, goes too far and deserves a response. It ought to have a response. I am pointing out at least two instances where that indictment and that criticism is just not accurate, it is not supported by the facts, and it has nothing whatsoever to do with this legislation.

This legislation includes, however, \$3.6 billion in additional assistance of an emergency nature to try to assist those who have had difficulties this year over and above those that were expected. Because of findings made by the Senate and the House and the administration, this justifies emergency



funding, and it is included in this legislation.

So I am hopeful and I am confident that the Senate is going to recognize the legitimacy and the importance of adopting this conference report. It reflects a lot of hard work by members of our appropriations subcommittee that developed the legislation, working in a bipartisan fashion, and working with our colleagues in the other body after our bill was passed and we negotiated this conference report with them, to come up with the best possible work product under the circumstances that we find ourselves today.

But no matter how much money we appropriate for research, for disaster assistance, for export assistance, trying to help stimulate our sales in overseas markets, we cannot solve all the problems of agriculture by the passage of this one bill. Everybody knows that. But it is a major and important step, and it will benefit a lot of American agricultural producers.

There is also more in this bill than just production agriculture assistance, but it is an important aspect of this legislation. This is a \$78 billion bill. Nearly \$40 billion of the funds relates to agriculture, landowner assistance, research to try to help do the things you have to do to maintain efficiency, understand the new technologies, translate the research from the laboratory to the farm through extension programs so that we have the finest, the most efficient, the most dependable agricultural sector in the world. This bill achieves those goals.

We also, at the same time, provide food safety programs, an inspection service that is fully funded, a food safety initiative that is fully funded at the request of the administration, to make sure that we have a wholesome supply of food, and it is fit for consumption by Americans, and it is reasonably priced.

We achieve that goal in this legislation. There are many in our country who do not have the benefit of high incomes. We have low-income people who live in poverty areas who need food assistance. This legislation includes school lunch program and school breakfast program funding. It includes Women, Infants, and Children Program funding, Food Stamp Program funding, assistance to soup kitchens, to those who use surplus commodities to provide lunches and meals for people who cannot afford food, so that we do not have people who are out of work and out of food. This legislation provides that important benefit as well.

So, on balance, this is a good bill. It deserves the support of the Senate. I hope all Senators will support it.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I yield our time.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the conference report. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Minnesota (Mr. GRAMS) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 8, as follows:

[Rollcall Vote No. 277 Leg.]

#### YEAS—86

Abraham	Edwards	McConnell
Akaka	Enzi	Mikulski
Ashcroft	Fitzgerald	Miller
Baucus	Frist	Moynihan
Bayh	Gorton	Murkowski
Bennett	Graham	Murray
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Hollings	Roth
Bunning	Hutchinson	Santorum
Burns	Hutchison	Sarbanes
Byrd	Inhofe	Schumer
Campbell	Inouye	Sessions
Chafee, L.	Jeffords	Shelby
Cleland	Johnson	Smith (OR)
Cochran	Kerrey	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Stevens
Craig	Landrieu	Thomas
Crapo	Lautenberg	Thompson
Daschle	Leahy	Thurmond
DeWine	Levin	Torricelli
Dodd	Lincoln	Warner
Domenici	Lott	Wellstone
Dorgan	Lugar	Wyden
Durbin	Mack	

#### NAYS—8

Allard	Kyl	Smith (NH)
Feingold	McCain	Voinovich
Gramm	Nickles	

#### NOT VOTING—6

Biden	Grams	Kennedy
Feinstein	Helms	Lieberman

The conference report was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there be a pe-

riod for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEMORIAL TRIBUTE TO FREDERICK HART BY REVEREND STEPHEN HAPPEL

Mr. THURMOND. Mr. President, it was only a little over a year ago when this nation lost one of the most inspiring, talented sculptors of the 20th century. Frederick Hart's passionate spirituality and his extraordinary ability to transform human emotions into physical elements were reflected throughout his works of art, and his tragic death has left a tremendous void. I know that I convey the thoughts of all who had the privilege of knowing Rick as I again extend my condolences to his wife, Lindy, and their two sons, Lain and Alexander.

On October 6, 2000, Reverend Doctor Stephen Happel, Dean of the School of Religious Studies at Catholic University, paid tribute to Frederick Hart at a memorial service held in his honor at the Washington National Cathedral. Dr. Happel's poignant remarks are a testimony to a man who embraced the complexity of God and art, and I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### THE CATHEDRAL YEARS

(Remarks of Stephen Happel, Memorial for Frederick Hart, National Cathedral, 6 October 2000)

"We have seen that without the involution of matter upon itself, that is to say, without the closed chemistry of molecules, cells and phyletic branches, there would never have been either biosphere or noosphere. In their advent and their development, life and thought are not only accidentally, but also structurally, bound up with the contours and destiny of the terrestrial mass." (P. Teilhard de Chardin, *The Phenomenon of Man* [New York: Harper Torchbook, 1961], 273). "The term of creation is not to be sought in the temporal zones of our visible world, but . . . the effort required of our fidelity must be consummated beyond a total metamorphosis of ourselves and of everything surrounding us." (P. Teilhard de Chardin, *The Divine Milieu* [New York: Harper & Row, 1960], 78). The evolution of everything cannot fulfill itself on earth except through reaching for something, someone outside itself. In doing so, literally everything is transformed.

These quotations from the Teilhard de Chardin's *Phenomenon of Man* and *The Divine Milieu* were the human milieu that I found when I walked into Frederick Hart's life in 1973-74. He had joined an Inquiry Class at St. Matthew's Cathedral during a particularly difficult time in his life. Inquiry classes are traditional Catholic ways for people investigating new knowledge and spiritual meaning. Rick was living in his studio, a garage on P St with a bedroom attached, his first plan for the facade of the Cathedral rejected (along with all the other sculptors). He was looking for a comprehensive vision in which his own work could struggle to be born. Or better, his artistic work struggled to evolve and create a world, an environment



that could grow like a green space in a desert, expanding to nourish the beautiful on the planet. And he was looking for some words to mirror the sculptural world he was inventing.

Frederick Hart arrived at the National Episcopal Cathedral in the 1960's as a mail clerk. He had decided, after trying his hand at painting, that sculpture was his vocation, but he needed a place to learn. The learning took place here on this spot, under the guidance of Roger Morigi, one of the last classic master stonemasons, whose techniques went back to Michelangelo and Leonardo da Vinci. Rick graduated from mail clerk to apprentice, when Roger, an often difficult, sometimes volcanic, professional father, found the fellow "promising." After Rick completed a bust of Philip Frohman, the architect of the Cathedral, as a gift for the Cathedral (1969), the clerk of the works, Richard Feller, recognized that this young (now 26) sculptor should be included in the competition for the facade sculpture. Rick continued to produce bosses, gargoyles, and the classic Erasmus, a Catholic reformer with an ironic tone (not unlike Rick's own) until April, 1975 when his second set of motifs for the central tympanum and the trumeau sculpture were approved.

I met Rick at that Inquiry Class at St. Matthew's Cathedral on Rhode Island Avenue. I gave a talk on the sacraments in which I spoke about how symbols are neither subjective nor secondary in our religious lives. I paralleled the power and effectiveness of artwork and the Sacraments. Each of them transform us if we let them, they invite us into the world they project in front of us. They announce a better world that has not quite arrived, but will if faith prevails. Artistic and sacramental symbols are not substitutes for what is not there, but an incipient presence of the whole, pushing its way into our sometimes dull and quotidian conscious life. Even though the routine of work and domestic life can screen out what is truly beautiful and holy, symbols can break through and insist on being seen, heard, and touched.

Rick, like the symbols themselves, had a way of fidgeting into a conversation. Although he was respectful of the fact that we had never met, he could not quite resist asking lots of questions early on at the meeting. It did not take long for the two of us to discover that we were cultural and religious siblings, we were both committed to the ways in which religious symbols could change public life. After the "official" conversation was over, Rick, Darrell Acree, Father James Meyers and I went to the Dupont Village Pizza, regrettably no longer there, ordered pizza and (I have to say) more than one pitcher of beer while discussing art, the sacraments, and his plans for the Cathedral's facade. Somehow I'm quite sure that the Lord would not have understood our discussing the sacraments over the pizza and beer!

Rick was at the beginning of his new proposal. Basically, he just wanted to know whether his view of the world was theologically crazy. It was not; it was genial. Through the help of his friends, he had not only made his way from Childe Harold and the Benbow, local pubs, but he had also read Teilhard de Chardin and classic philosophies of art. In between these books and his wanderings, he would take his meager paychecks from the National Cathedral to build a garden with a fountain in the backyard of the garage and draperies to remake his interior world. The next winter the drapes were useful; they kept him warm when he wasn't sleeping with the two dogs that sufficed as a heater in the unheated studio.

Rick lived physically on the margins during those years. Deliberately, energetically;

he found the "in-between" a creative locus in which he could explore the ways in which the body could evoke mind and heart, in which the material embodied the spiritual and eternal, in which the physical could struggle, emerge, and become other than it is. This was a man for whom ideas were a passion; and passions could become ideas. I had no trouble finding a life-long friend—or better, a friend for all of his life.

Later that evening I saw the gouache designs he had already completed for the project of Creation, Adam and Sts. Peter and Paul. But as in all cases with my experience of Rick's work as it evolved, the idea was somewhere within, grasping for life and open air, to live in the public world. Rick had to produce a "statement," as you know, for the competition. That night he and I spoke about how creation evolved, the role of human beings in this evolution, and the primary, initiating power of God's love. If you will, it was a course in Christian anthropology, a human nature aiming beyond itself, a human being unable to make sense of itself without reference to the Other—to God. I took the pieces he had produced, added some theological jargon and sent them back to him. He re-worked them again and sent them in along with the drawings. He won. We are living in the results of his labor.

Medieval Cathedrals emerged from a vastly different anticipated future. They were painted, very colorful places of worship, filled with multiple altars, incense, and song. An entry through the main doors at the Cathedral at Autun shows an either/or world—either heaven or hell. Christ the Judge seated on a throne presides in the midst of a heavenly court. On Christ's right, angels push souls into the mansions of heaven where Mary and the apostles reside; on the left, demons weigh souls and send them off to torment.

Rick's vision for the facade of the National Cathedral coincided with the courageous commitment of the building committee. The theme was creation, a new image for a National Cathedral in a new country. The vision was both/and—the material and the spiritual. How to imagine both a primordial past and a transformed future—at the same time? How to make the stone fly from earth into the infinite horizon of the Universe? How to unite the individual and the communal in a contemporary world where the radically autonomous, isolated subject is the ideal? Can what is new be rooted in history and tradition? For Rick, it was both/and in his sculpture, not either/or.

Creation in the stone embodiment of Frederick Hart is an ongoing event—what theologians call a *creatio continua*—simultaneously "conservation" and "preservation" by God. This is not an image of a distant past event, astronomical or human, but the constantly emerging present life of the human community. Ex Nihilo symbolizes the choral dance, the human perichoresis in which we are all even now part of one another, linked body, soul, mind, and heart. The figures emerge from the ground, but are not yet completely defined. As Rick used to say, the Ground from which they come is as primordial as the figures that emerge. Without the involution of matter, sinew and bone folding and revitalizing themselves (as Teilhard said), the unique figures that are human beings would not appear.

Adam is the test case. The central trumeau figure is at once grasping for the air and being grasped. With closed eyes, he is the old Adam yearning with his right arm to push from the ground from which he comes; with the left, he is being pulled, however tentatively, from the swirling ooze, tugged by an invisible hand. The torso leans ever so slightly upward.

This Adam is both the old Adam—and on a longitudinal axis with the new Adam sitting in glory over the high altar on the reredos. He is also an Adam for an American context, both striving to enter the world and helped by One he cannot yet see. This is not a solo, antagonistic, power-hungry figure in the style of Nietzsche; this sculpture has its humanity in and with an Other, a partner who cooperates to bring it into existence.

Perhaps it is this theme that is subversive in Hart's sculptural theology; the sculpture invites, seduces, even provokes the viewer into participation in the world it is announcing. St. Paul, caught at the moment of transformation, the mystic transported to the seventh heaven, sinks below the emergence of the night sky from the swirling chaos. St. Peter, the only facade sculpture with his eyes open, draws his net to build the church under the creation of the day. Thus Hart presents time and space in a single sensuous continuum in which the history of the early Church unfolds from the call of Adam and all humanity pulled out of the visible chaotic ground.

In this sense, Rick's work here (and elsewhere) offends people. Not simply because it does not 'fit into' the current or recent art establishment—though the 70's were not a time for well-modeled, fine art. His work demands of the viewer a participation that insists on re-making the world. Again I quote Teilhard de Chardin: "To create, or organize material energy, or truth, or beauty, brings with it an inner torment which prevents those who face its hazards from sinking into the quiet and closed-in-life wherein grow the vice of egoism and attachment. An honest workman not only surrenders his tranquility and peace once and for all, but must learn to abandon over and over again the form which his labor or art or thought first took, and go in search of new forms." (P. Teilhard de Chardin, *The Divine Milieu*, 41) Frederick Hart knew this intimately, even painfully. The facade sculptures reach out from the center to the edges of day and night and extend themselves into the city and our world. They proselytize; they preach; they evangelize about how the world could be if values of beauty and truth were embraced. For Rick these were moral values.

Just as Enlightenment values of autonomy, individual history, and emotional independence were moral imperatives, so Rick Hart's work pushes beholders into their inner lives, asking for cooperation to build a world. Rick's sculptures embody the very boundaries he lived between; they provoke viewers into asking about the aura of the Other that envelops them in the material stuff of their day to day lives. But sensing the material as a symbol of the immaterial is not a current ideal. Cooperation is not a current norm. Newspapers are sold on conflict and disagreement; debates are structured on differences; business is won or lost on the basis of unique combative marketing; computer systems are structured on either/or options.

The theology of cooperation Rick espoused in his art, despite his love of playing the antagonist in conversation, was absolutely Trinitarian. The chorus of human activity was a symbol of the internal life of God. The God who creates us; the God whose Beloved Incarnate One we follow and worship; the Spirit that animates human history—all are One terrifying and vivifying, swirling fire. We live in the midst of the divine milieu, as Teilhard says; we cannot escape our God. "Is the Kingdom of God a big family? Yes, in a sense it is. But in another sense it is a prodigious biological operation—that of the Redeeming Incarnation." For Rick, God lives in the heart of matter, calling us, prodding us to share in the divine life of love, justice, and truth.

Rick's best work, his masterpiece on the facade of this building, invites the city to admire the house of prayer, but more to enter it. The sculptures set up the conditions under which a community, a city might transform itself. Enter the choric dance; establish a cooperative rhythm; be drawn like Adam to what you cannot see; drop the sword of contention and enter the mystical night—and maybe, just maybe, you will be able to build the day. You might find God.

Rick Hart was a friend. But I make no apologies for my praise of his work; I believe I have been privileged to know a great, passionate artist whose values emerged within his creative processes and embodied themselves there. As a result, I know that long after I am dead, the ideas and values he, I and others shared in friendship will awaken others. The symbols will remain—continuing to make parts into wholes, building a community of living stones from the stones he shaped, drawing us beyond ourselves into God.

#### TRIBUTE TO GOV. MEL CARNAHAN

Mr. HARKIN. Mr. President, it is with a heavy heart that I stand here today to pay tribute to a good friend, Mel Carnahan, Governor of Missouri, and express my sorrow at the loss of his son Randy and his longtime aide, Chris Sifford.

I had known Mel for a long time. I have followed his career with pride and admiration as his neighbor to the North. Mel's service to the State of Missouri spans four decades and even more elected offices. He started out as a municipal judge in his hometown of Rolla at the age of 26. He served in the Missouri State Legislature. He was State treasurer and Lieutenant Governor, and in 1992 became the 51st Governor of Missouri.

Like many of my colleagues, I had the privilege of campaigning with Mel this past year. As I watched Mel Carnahan on the trail and watched him talk with the people of Missouri and listen to their concerns and their hopes to gain their confidence and trust, I was reminded of something Adlai Stevenson once said:

Every age needs men who will redeem the time by living with a vision of things that are to be.

Mel Carnahan was one of those men, and as Governor of Missouri, he had a vision for his State and for our country. We saw it in his work on education. We saw it in his work on Missouri's economy. He created thousands of jobs and moved some 100,000 people from welfare to work. We saw it in his work on crime and children's health insurance and so many other issues, how he stood up to the gun industry and stood strong for those who have the deck stacked against them.

He had a vision for this Nation which he took into his Senate race. He believed, as Hubert Humphrey stated, that the measure of government is in how it treats those who are in the dawn of life, the children, those who are in the twilight of life, the elderly, and those who are in the shadows of life, the sick and the needy. That is why he

wanted to come to Washington. This was his vision.

Its very urgency makes it harder to accept the fact that he was taken from us before he could help make it a reality. His death is a loss for all of us in Congress who would have had the honor of working with him. It is a loss for the people of Missouri who would have had the privilege of being represented by him. It is a loss for the people of this Nation who would have had the good fortune of being served by him.

We cannot let our sorrow overwhelm us. We cannot let our sadness become bitterness, despair, or regret. That would not be a fitting tribute to Mel Carnahan. Rather, we owe it to him, to his country, and to his family to take up the torch of his life's work and to carry it on. We owe it to ourselves to let his memory be our solace, his record our guide, and his legacy our inspiration, to let the life of this good and decent man continue to light our way. That is the best and enduring memorial for our friend Mel Carnahan.

Earlier this year, I was flying in that very plane with Mel and his son Randy at the controls. Being a pilot myself, we talked a lot about flying. It was a night flight. We talked about the aircraft. I talked to Randy about the different instrumentation he had on his aircraft. Randy was a very qualified pilot. He knew what he was doing. Mel was, too. Mel had been taking flying lessons and had hoped to complete them at some time but had to interrupt them for his campaign.

For me, it makes the loss even so much more poignant and tragic since just a couple of months ago I was on that very plane with them. We do not know exactly what happened. Right now what went wrong is really of no consequence. What is of consequence is that we have lost three good lives in that tragic accident in Missouri.

My heart and my prayers are with Jean, his very lovely and very dedicated wife, their children Russ, Robin, and Tom, and with the family and friends of Chris Sifford who also lost his life in that tragic accident.

Mr. DODD. Mr. President, I rise to add my voice to those who have come to the Senate floor to pay tribute to Missouri Gov. Mel Carnahan.

Those of us who knew and admired Governor Carnahan share a profound sense of loss at the news of his untimely death and the deaths of his son Randy and longtime aide Chris Sifford in a plane crash on Monday night.

I had the pleasure to meet Mel Carnahan on several occasions in recent years. I knew him as a good man, as someone who spoke passionately and cared deeply about the people of his State, especially its children. He was a dedicated and talented public servant who never wavered in his belief that public service is a noble calling.

Few if any would question that Mel Carnahan's heart was with the working people of his State. In his first year as

Governor, he called for a tax increase to fund the State's public schools. Allies and opponents alike said he was sealing his fate as a one-term Governor. The voters saw his decision for what it was: an act of political courage. They reelected him in a landslide.

In addition to work on behalf of the children of Missouri, he fought for better health and safety standards for seniors in nursing homes. He championed tough measures to fight crime. He brought about sensible welfare reform. And he successfully streamlined his State's government, redirecting hundreds of millions of dollars for job creation, education, and law enforcement.

The Democratic leader said earlier this week that Governor Carnahan was a man of such talent and insight that he would have succeeded in any field which he chose. Anyone who knew this man would, I believe, have to agree with that view; that he chose the field of public service and brought credit and esteem to a profession that is all too often criticized. It brought a better life for millions of Americans who reaped the harvest of his tireless efforts on their behalf.

I extend my deepest sympathies to the Governor's wife Jean, their family, the family of Chris Sifford, and the people of the State of Missouri.

#### VICTIMS OF GUN VIOLENCE

Mr. WELLSTONE. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 18, 1999: Michelle Alexander, 21, Charlotte, NC; Earl Baker, 22, St. Louis, MO; Karlton Cannon, 30, Chicago, IL; Michael Jones, 49, Knoxville, TN; Kenneth Pastuszak, 28, Detroit, MI; Brian Webster, 26, Detroit, MI; and Unidentified Male, 45, Honolulu, HI.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

#### FEDERAL REGULATIONS

Mr. INHOFE. Mr. President, in fiscal year, FY, 2000, some 54 federal departments and agencies and over 130,000 federal employees spent over \$18.7 billion writing and enforcing federal regulations.

The number of full-time positions in regulatory agencies reached an all-

time high during the Clinton/Gore Administration. The era of big government is not over. In fact, it is in its hey day. In FY 2000, bureaucratic staffing set a new record, exceeding the previous all-time high of 130,039 in FY 1995.

Rochester Institute of Technology's Professor Thomas Hopkins estimates that the total cost of federal regulation will be \$721 billion in 2000, which is equal to about 40 percent of all federal spending—representing a hidden tax of more than \$6,800 per year for each American family. This represents direct compliance costs, not indirect costs such as the cost of lost productivity, increased cost of goods and services, as we are seeing with gas prices right now, and lower wages—among others.

These figures are very important for us in Washington to keep in mind—when we are developing laws and regulations. When considering the entire federal budget, \$6,800 per year may seem like peanuts, but \$6,800 is a great deal of money to millions of hard working Americans.

To put Professor Hopkins' estimates in perspective, current regulatory costs are about 40 percent of the size of the federal budget—which stands at an estimated \$1.9 trillion in FY2000—and represent about 8 percent of America's gross domestic product. Moreover, Hopkins' estimates of annual U.S. regulatory costs exceed the entire 1998 GDP of such countries as Canada, \$604 billion; Spain, \$553 billion; Australia, \$364 billion; and Russia, \$275 billion.

Beyond the cost of regulations and the size of the federal bureaucracy, a very troublesome trend is occurring in the regulatory arena right now. In its last few days in office, the Clinton/Gore Administration is currently pushing through a number of new rules—particularly in the environmental arena. This last-minute regulatory push, also known as "midnight-regulation," serves two purposes for the Clinton/Gore administration: (1) to pander to the special interest groups and (2) to make regulatory decisions more difficult for the next administration.

This administration is playing a zero sum loss game with the regulatory process. While special interests and bureaucrats are winning, the American people are losing. When well thought out and reflecting consensus, regulations can certainly provide benefits to the American people. However, what is most disturbing is the fact that this administration will promulgate these regulations at any cost—at the financial cost of the American people—at the cost of making a mockery of rule-making due process—even at the cost of environmental protection. This isn't just my opinion, other experts agree. Wendy Gramm, former Administrator of OMB's Office of Information and Regulatory Affairs, and Susan Dudley—both of whom are with George Mason University's Mercatus Center—recently wrote in an article in *The At-*

*lanta Journal*, "when regulations are rushed into effect without adequate thought, they are likely to do more harm than good."

Eighty-eight rulemakings are in the process at the EPA.

On August 25, 2000, a Washington Post article's byline read, "[m]indful that Republicans could occupy the White House in less than six months, the Clinton administration is working feverishly to issue a host of new regulations supported by environmentalists and other liberal leaning groups . . ." The article goes on to state that, "[a]t the EPA alone, officials have listed 67 regulatory decisions looming before Clinton's second term expires in January."

In response to the Washington Post article, the National Manufacturers' Association requested this list of 67 pending "regulatory decisions." However, NMA's request was denied. Thanks to the leadership of Representative DAVID MCINTOSH, the Clinton/Gore Administration submitted the list of regulations. Representative MCINTOSH discovered that it was not 67 regulatory decisions—but rather 88! This does not include the numerous interim final regulations, policy statements, and guidance documents, which EPA is pushing through.

In fact, the average pages of regulations in the Federal Register is currently sky-rocketing. Currently, the Clinton/Gore Administration is averaging 210 pages of regulations per day in the Federal Register. The last time that the American people experienced such a flood of regulations was at the end of the Carter Administration—when the Federal Register had an average of 200 pages of regulations per day. Mr. President, there is a graph of the average number of regulations in the Federal Register during election years since the Ford Administration.

Here are some examples:

The Clinton/Gore administration's "Total Maximum Daily Load" or "TMDL" Rule.

The now final TMDL rule drew more than 30,000 public comments and has been the subject of 12 congressional hearings. An overwhelming majority of these citizens, including environmental, community, state, labor union, and business organizations, expressed their opposition to the rule. Their concerns have included such issues as the rule's effectiveness, costs, technical and scientific feasibility, and basic structure.

On June 30, 2000, in response to the testimony and thousands of letters that I and other Members of Congress received in opposition to EPA's proposed TMDL rule, Congress included a provision in the FY 2001 Military Construction Appropriations Act that would prohibit EPA from implementing this rule. This provision was a bipartisan attempt to direct the EPA to take a step back and address the concerns of the American people—not a sneak attack on the environment as

many extremist environmental groups tried to portray it.

The U.S. Congress sent a clear message to the White House and EPA. However, the Clinton/Gore Administration allowed EPA to finalize its proposed TMDL rule shortly before President Clinton signed the FY 2001 Military Construction Appropriations Act into law. I have grave concerns about any Administration which seeks to make the will of Congress "meaningless"—which is what the White House was quoted as saying. The very thought of such an action is a vulgar abuse of power and blatant disregard for the legislative branch of our government.

The Clinton/Gore EPA's poorly thought-out sulphur/diesel rule.

For some reason the EPA is shocked and surprised that fuel prices are spiking because of the introduction of the new RFG phase 2 regulations. The trouble is the EPA continues to roll out new restrictions and regulations on gasoline and gasoline formulas without any regard to what the consequences are to the consumer. I am concerned that the Clinton/Gore sulfur diesel regulation is a perfect example. This is a regulation which will cause price spikes for fuel over the next ten years, and EPA has done a miserable job in predicting the consequences of this regulation. I believe there will be severe shortages of diesel fuel which will lead to higher prices for truckers, farmers, and the home heating market. It is highly likely that instead of installing the expensive desulfurization equipment many companies will choose to export their diesel instead of selling in the U.S., creating greater shortages. While they are discussing finalizing this rule, they are also discussing the need for a technology review in three years on the pollution devices for the trucks themselves. It seems the EPA is not sure if the technology will be available which requires the low sulfur diesel fuel. But this review will take place after the refiners begin installing the expensive low sulfur equipment.

The real shame in this is that it could be avoided if the EPA were more reasonable in their expectations. Instead of calling for a 97 percent reduction in sulfur, they could have taken a 90 percent reduction in sulfur which would have produced the same benefits for particulate matter at half the cost. While it is true that NOx would only be reduced by 75 percent instead of 95 percent. I think we need to stop and look at it, 75 percent reduction at half the cost is a bargain. Once again the EPA appears bent on chasing pennies of benefits for dollars of costs.

My subcommittee will be looking even more closely at the cost of EPA's programs on our nation's fuel supply. I really think the lasting legacy of Carol Browner might very well end up being these gasoline price spikes over the next ten years, unless something is done to restore some sanity to this process.

EPA's arsenic regulation.

The EPA is reconsidering its proposal for lowering the federal standard for arsenic in drinking water. The 5ppb standard, for which EPA is seeking comment, is scientifically unjustifiable. Many experts believe that "given the available information EPA has provided, a final standard below 20 ppb can not be justified." This rule is anticipated to cost \$1.5 billion annually and require \$14 billion in capital investments—threatening to bankrupt small towns. EPA's own analysis reveals will impose net costs on users of drinking water systems. Unfortunately, this regulation is just another example of the EPA putting the policy ahead of the science—at the cost of the American people.

Mr. President, I could go on and on about these midnight regulations.

The Clinton/Gore administration is circumventing regulatory rulemaking due process.

A fundamental safeguard provided by the Administrative Procedure Act (the "APA") is to ensure that federal agencies provide an opportunity for informed and meaningful public participation as part of the regulatory rulemaking process.

As if midnight regulations were not bad enough, the Clinton/Gore administration attempts to short-cut APA safeguards by the issuance of interim final rules, guidance documents, and policy statements. These documents, which do not go through the notice and comment rulemaking process required by the APA, are not subject to review by the courts. Often, these documents suggest that regulated entities must comply with requirements beyond the requirements found in law or regulation. Though agencies deny the fact these documents are legally binding, it is clearly an attempt to make law outside the rulemaking process—in a way which tries to shield agencies from judicial review.

For example, on April 14, 2000, the U.S. Court of Appeals, in *Appalachian Power v. EPA*, struck down EPA's "Periodic Monitoring" Guidance. Among its findings, the Court found: (1) EPA was creating broad new authority through the guidance document; (2) EPA did intend the guidance document to have binding effect; and (3) the guidance was illegally issued outside the APA rulemaking procedures.

From 1992 to 1999, the Clinton/Gore EPA published over sixty-five interim final rules, guidance, and policy statements in the Federal Register. However, there are many more of these documents, which have never been published in the Federal Register—in violation of the Federal Register Act.

And the cycle continues . . . on August 28, 2000, EPA has just issued a guidance document on Environmental Justice. While I will reserve the policy discussion on environmental justice for another time, the process question arises again. Even though the Congress and many stakeholders urged EPA to

issue an Environmental Justice Rule, which would be subject to the APA's opportunity for notice and comment as well as judicial review, the EPA refused to do so. Instead, the EPA again created a binding regulation, albeit through a guidance document, which is not subject to judicial review.

Additionally, in the case of many of the 88 rules, EPA will argue that the regulation has been a work in progress for years. EPA's claim begs the question, "Then why cram through the final product when EPA is juggling so many balls at once." Though some of the regulations may have been proposed before, it does not mean that the proposal is still relevant—which we see with EPA's Proposed New Source Review Rule. In this and other cases, EPA should re-propose the rule rather than going final with its obsolete, out-dated proposed rule.

In conclusion, the Clinton/Gore Administration is in overdrive to make policy by administrative edict where it has failed to do so by the legislative process or by following the regular regulatory order. President Clinton and Vice President GORE can't really believe that the less the public participates the better—but they're acting like they do. The fact that the EPA is cramming through scores of rules and other regulatory decisions without public discourse is irresponsible. I call on the Administration to exercise regulatory restraint and stop exceeding its legal authority without undergoing appropriate rulemaking procedures.

Rushed and poor judgement and deliberate acts that exceed an agency's authority can cause serious disruptions in the course of American families' lives. Therefore, I, along with other Members of Congress, will explore the various options, which Congress could use to address this Administration's numerous egregious political and anti-democratic actions. Environmental protection is vitally important, but so is the integrity of our government.

#### STATE DEPARTMENT MEMORANDUM

Mr. MCCAIN. Mr. President, yesterday, we learned that a memorandum from the Inter-Agency Coordinator for the State Department instructed the Voice of America to refrain from broadcasting an editorial denouncing the terrorist act that took the lives of seventeen American sailors on the U.S.S. *Cole* and expressing the United States' resolute opposition to all terrorism. Apparently she perceived in the editorial an insensitivity to the fact that "the seventeen or so dead does not compare to the 100+ Palestinians who have died in recent weeks where we have remained silent."

Mr. President, I was not aware that the United States had remained silent about the loss of life, both Israeli and Palestinian, in the current conflicts threatening the prospects for peace in the Middle East. Indeed, I believe the

President and a good many members of Congress have been quite outspoken on the subject. Moreover, the losses incurred in that conflict and our responsibility to do what we can to help bring violence there to an end, does not preclude the United States from strongly, unequivocally addressing the first responsibility of any U.S. Government: the safety of American lives.

I understand that the State Department spokesman has issued a statement calling the official's extraordinarily "offensive" memorandum "wrong," "not approved through appropriate channels" and assuring that it in "no way reflects the views of the Secretary or the Department." Fine, we can let the matter rest there.

Let me add a thought, though. It's a free country, but the official in question is not free to represent her own controversial priorities as official U.S. policy. Should she be unable to meet this basic professional and civic responsibility, perhaps she should seek a place of employment that is more compatible with her views.

#### TREASURY-POSTAL/LEGISLATIVE BRANCH APPROPRIATIONS—CONFERENCE REPORT

Mr. JOHNSON. Mr. President, last week, the Senate passed a conference report which contained the Treasury-Postal appropriations bill, the legislative branch appropriations bill, and a repeal of the century-old telephone excise tax. This package was the first of the several "mini-omnibus" packages we will likely consider in the waning days of this Congress, and unfortunately, it demonstrates the fundamental problems associated with this type of legislating.

I voted against this mini-omnibus for several reasons. The Senate never had the opportunity to even consider the Treasury-Postal bill on the floor. Many issues that are critical to Senators could not receive deliberation because of the unwillingness of the leaders to allow the Senate to fulfill its constitutional directive of deliberating on the crucial issues facing the nation. I will not review the entire list of neglected issues again. That recitation has occurred elsewhere, and I am confident we will hear more about them in the coming days.

Suffice it to say, I deplore the procedure that permits unpassed appropriations bills to go right to conference. Other than the procedural irregularity, I opposed this conference report because it did not contain language to strike the congressional pay raise. It is unfathomable to me that at a time we cannot raise the minimum wage to bring a full-time worker above the poverty line, we once again raise salaries for Members of Congress. I have opposed any effort to raise congressional salaries in every year since 1994. I, and similarly-minded colleagues, were denied the opportunity to fully debate this issue. I cannot support this increase, especially under the current

circumstances with so much unfinished business.

Unfortunately, many initiatives I support were also included in this package. Among them is the repeal of the telephone excise tax, a revenue used originally to help fund the Spanish-American war. This three percent surcharge is among the most regressive taxes, and I was proud to be an early cosponsor of the effort to repeal it. In addition to cosponsoring the original legislation, I voted to repeal this tax when the repeal was offered as an amendment to the estate tax repeal.

In a time of unprecedented surpluses, we must fix some of the inequities in the tax code. I am disappointed we have not managed to accomplish more. Once again, this is indicative of the overly partisan nature of Senate activity, and this partisanship has blocked fair tax reform. Nonetheless, I am pleased we have at least resolved the federal telephone excise tax, a reform which will save all Americans \$51 billion over the next decade. I commend the major telephone providers for committing to pass fully these savings to consumers, and I once again regret that the unique and deplorable manner in which this Congress is fulfilling its responsibilities forced me to vote against this package.

#### CONGRATULATIONS TO KIM DAE-JUNG

Mrs. BOXER. Mr. President, I would like to congratulate Kim Dae-jung, the President of South Korea, on receiving the Nobel Peace Prize for 2000. This award is well-earned for a great leader whom many call the "Nelson Mandela of Asia." President Kim's life-long dedication to peace and reconciliation is evident in the fact that he had been nominated for this award on 14 different occasions. Last Friday's announcement made President Kim his nation's first Nobel laureate, a source of great pride for the people of South Korea.

Kim Dae-jung has led an extraordinary life, highlighted by an unwavering commitment to democracy. In fact, throughout his career, President Kim has been willing to risk his own life in standing up for the principles that allow South Korea to be the great nation it is today.

President Kim has indeed paid a heavy price for speaking out against totalitarian rule. Shortly after his first run for President in 1971, Kim was nearly killed in a car accident that many believed to be an assassination attempt. Two years later, he was kidnapped by South Korean agents, ostensibly because he was perceived as a threat to the status quo. He would have been killed, had the United States not intervened. In the years that followed, President Kim survived jailings, house arrest, exile and numerous beatings.

Three years ago, President Kim campaigned on an innovative, open approach to reconciliation with North

Korea, which he called the "sunshine policy." This policy of building ties with the North is on a scale that has not been seen in the history of postwar Korea. After winning the election, President Kim, a forgiving and religious man above all, pardoned the former military rulers who tried to kill him as his first act in office. He has also been a positive force for South Korea's economy which was at a low point when President Kim was elected. The South Korean economy grew by 10.2 percent in 1999 and is projected to grow by 6 percent in 2000.

President Kim's "sunshine policy" culminated in a June summit between the leaders of North Korea and South Korea. The summit was a success, and set a tremendous precedent for the relationship between the two countries. Speaking of the meeting, President Kim said, "the Korean people are one; we have a common fate. There is nothing we cannot do if we make steady efforts with good faith and patience." The possibility for continued conversation between North and South gives me great hope that the two sides have taken the first steps to a true and lasting peace.

The rebuilding process between the Koreas has been enhanced by several small but meaningful achievements. North Korea and South Korea have pledged to work on rebuilding roads and rail lines between the two countries. Earlier this summer, a brief reunion occurred of families separated by the Korean war 50 years ago. Just last month, the entire world was moved when the North Korean and South Korean teams marched together in the opening ceremonies of the Sydney Olympics.

I had the opportunity to meet President Kim in 1986 when he was under house arrest. I was very moved by his courage and faith and thought that he would some day lead his beloved nation. It is with great happiness that I take this opportunity to congratulate Kim Dae-jung and the people of South Korea on this historic occasion.

#### A SALUTE TO THE SAILORS OF THE U.S.S. "COLE"

Ms. LANDRIEU. Mr. President, I am deeply saddened by the loss of the brave men and women of the U.S.S. *Cole*. October 12, 2000 will long be remembered as a day of heavy emotions for our armed forces and all American people. All of our hearts have been consumed with anger and sorrow at the senseless act of terrorism that, on that day, left seventeen United States sailors dead, and thirty-nine injured. All young, all promising, all dedicated to defending America's values and way of life.

But my heart is also filled with pride in these men and women. Our sailors served in the finest traditions of the Navy, selflessly dedicating themselves to serving our country with bravery and integrity. And I rise today to

honor those who gave their lives in the line of duty. We will not forget your superb service and ultimate sacrifice.

As I extend my heartfelt sympathy to the families of the *Cole* Sailors, let me also say to the world that the United States will not rest until those responsible for this attack are held accountable for this atrocious destruction of innocent American life. Let there be no mistake. We will use every tool in our arsenal to track down and charge our adversaries for this cowardly act.

The British poet A.E. Housman wrote, "The troubles of our proud and angry dust are from eternity and shall not fail. Bear them we can, and if we can, we must." Housman's poem speaks to our strong tradition of persistence and moral courage to stand up for our values. Let our resilience signal to the world that no terrorist attack can encroach our resolve. We will not shrink to defeat, but grow stronger in our commitment to securing peace and stability throughout this nation's areas of interest. Seventeen U.S.S. *Cole* sailors did not suffer tragic deaths in vain. They died protecting freedom, and defending the greatest nation on Earth.

So now, I join my colleagues and the families of the U.S.S. *Cole* crew in solemn prayer for these brave sailors, the protectors of America's great democracy. God bless you and God bless America.

#### FEDERAL PRISONER HEALTH CARE COPAYMENT ACT

Mr. JOHNSON. Mr. President, I am pleased the President recently signed into law the Federal Prisoner Health Care Copayment Act. As you know, Senator JON KYL and I introduced last year a bill to require Federal prisoners to pay a nominal fee when they initiate certain visits for medical attention. Fees collected from prisoners will either be paid as restitution to victims or be deposited into the Federal Crime Victims' Fund. My State of South Dakota is one of 38 States that have implemented State-wide prisoner health care copayment programs. The Department of Justice supported extending this prisoner health care copayment program to Federal prisoners in an attempt to reduce unnecessary medical procedures and ensure that adequate health care services are available for prisoners who need them.

My interest in the prisoner health care copayment issue came from discussions I had in South Dakota with a number of law enforcement officials and US Marshal Lyle Swenson about the equitable treatment between pre-sentencing Federal prisoners housed in county jails and the county prisoners residing in those same facilities. Currently, county prisoners in South Dakota are subject to State and local laws allowing the collection of a health care copayment, while Marshals Service prisoners are not, thereby allowing Federal prisoners to abuse health care

resources at great cost to state and local law enforcement.

As our legislation moved through the Senate Judiciary Committee and Senate last year, we had the opportunity to work on specific concerns raised by South Dakota law enforcement officials and the US Marshals Service. I sincerely appreciate Senator KYL's willingness to incorporate my language into the Federal Prisoner Health Care Copayment Act that allows state and local facilities to collect health care copayment fees when housing pre-sentencing federal prisoners.

I also worked with Senator KYL and members of the Senate Judiciary Committee to include sufficient flexibility in the Kyl-Johnson bill for the Bureau of Prisons and local facilities contracting with the Marshals Service to maintain preventive-health priorities. The Kyl-Johnson bill prohibits the refusal of treatment for financial reasons or for appropriate preventive care. I am pleased this provision was included to pre-empt long term, and subsequently more costly, health problems among prisoners.

The goal of the Kyl-Johnson Federal Prisoner Health Care Copayment Act is not about generating revenue for the Federal, State, and local prison systems. Instead, current prisoner health care copayment programs in 38 States illustrate the success in reducing the number of frivolous health visits and strain on valuable health care resources. The Kyl-Johnson bill will ensure that adequate health care is available to those prisoners who need it, without straining the budgets of taxpayers.

#### ADDITIONAL STATEMENTS

##### NATIONAL INVENTORS HALL OF FAME INDUCTEES

• Mr. VOINOVICH. Mr. President, I rise today to pay tribute to the inductees into the National Inventors Hall of Fame for the year 2000. Located in Akron, OH, the National Inventors Hall of Fame is America's shrine to those who have made significant contributions to our nation, and improvements to the quality of life for all mankind. As Governor of Ohio, I was proud to speak at the dedication ceremony for this magnificent facility in July of 1995, and I was pleased to have the Hall also serve as the backdrop for the Edison Innovator Awards my office presented to companies throughout the State of Ohio.

Inductees into the National Inventors Hall of Fame represent the epitome of ingenuity and inspiration, and this year's class is no exception. Inductees for the year 2000 include: Walt Disney, whose name has become synonymous with imagination and creativity; Reginald Fessenden, whose pioneering work in the area of wireless communication led to the modern radio broadcasting industry; Helen and

Alfred Free, whose work developing the "dip-and-read" urinalysis test greatly eased the lives of those suffering from diabetes; J. Franklin Hyde, whose discovery of fused silica made possible the fiber optic cable so widely used today; William Kroll, who escaped Europe before the onset of World War II, and whose work in his home laboratory resulted in a process that allows titanium and zirconium to be produced; and Steve Wozniak, co-founder of Apple Computer and the inventor of the modern personal computer.

Build a better mousetrap, and the world will beat a path to your door. In modern parlance, one might say that technological advancement is the engine that drives our economy. It is the biggest contributor to increasing our standard of living here in the United States, and the best way to improve the lives of individuals the world over. This progress is essentially made possible through the protection of intellectual property that is afforded by the U.S. Patent and Trademark Office, the main force behind the founding of the National Inventors Hall of Fame. In today's rapidly changing world, the Patent and Trademark Office is the "safe haven" that encourages men and women to accept the challenge to build the better mousetrap through the protection of creativity and what our minds can produce.

Consider the accomplishments of the 158 inventors enshrined at the Hall. Consider the contributions they have made to society: to prolonging our lives and making them more enjoyable; to reducing our workload; and to allowing us to explore new continents and the heavens themselves. It is easy to see the power of invention and the tremendous impact inventors have on all of us.

As an Ohioan, I am always struck by the ingenuity and sheer determination of two Dayton bicycle workers who dared to believe that they could defy gravity with their winged invention. Little did the Wright Brothers realize that 66 years after their historic flight, man's inquisitive nature would improve upon their invention and put another Ohioan—Neil Armstrong—on the moon.

Invention is progress, and I salute the work of America's inventors, the U.S. Patent & Trademark Office and the National Inventors Hall of Fame in Akron, Ohio, for their continuing efforts to improve and enrich our lives.●

##### A TRIBUTE TO VIRGINIA SHEHEE

• Ms. LANDRIEU. Mr. President, I wish to join with my colleague, Senator BREAUX, in recognizing the great civic contributions of my dear friend, Virginia Shehee. It is so appropriate that the Biomedical Research Foundation of Northwest Louisiana should be gathering to honor this amazing woman, whose vision and energy led to the creation of the Foundation and the many benefits that it has produced for

the citizens of Shreveport—Bossier and Northwest Louisiana.

I have known Virginia Shehee and come to treasure her example and her friendship in my service as a State official in Louisiana and in my first term as a U.S. Senator. To those of us who believe that Louisiana must move aggressively to be part of the knowledge-based economy, the evolution of Biomed and the opportunities it has come to represent stand as a model of civic leadership and foresight. It is the story of a community that dared to dream big dreams at a time in its history when those dreams seemed most remote.

But those dreams are coming true, and young people who once had to leave home to participate in the new economy are now finding significant career opportunities in Northwest Louisiana. Of all the community leaders who can share in the credit for this remarkable achievement, none has played a larger role than Virginia Shehee. Her grit and unyielding persistence led to millions of dollars in state and federal construction and program dollars for a Biomedical Research Institute. And her salesmanship and gentle charm have opened doors to a world of promising cooperative relationships and new corporate citizens for Shreveport.

Some years ago, not too long after the Institute opened its doors, Virginia led a blue-ribbon group of Shreveporters, some half her age, on an industry-hunting trip through the mid-Atlantic and New England. Nothing could capture the indefatigable energy of the leader of the trip more than the words of a lapel button, which someone distributed to participants after the trip: "I Survived Shehee's March!"

As the CEO of one of Louisiana's largest companies and as a leader in the insurance industry, as one of the earliest women members of the Louisiana Legislature, as a caring steward of our great state university, as a devoted wife and mother and as someone who gives utterly selflessly and endlessly to her community, Virginia Shehee has earned the love and admiration of all of us who are privileged to know her and work with her. It will be a great moment for me on the evening of Friday, November 3, when I get to be part of the evening in which the Shreveport community says, "Thanks, Virginia. Let Shehee's March continue."●

##### A TRIBUTE TO SPECIAL AGENT TOM LAPISH

• Mr. ABRAHAM. Mr. President, during the 106th Congress, the Detroit Field Office of the Federal Bureau of Investigation lost two of its most dedicated agents to battles with cancer. Both were respected not only for their professional accomplishments, but also for the manner in which they conducted themselves outside of their work, as each contributed considerably

to the Detroit community. I rise today in honor and in memory of Special Agent Tom Lapish, one of these two men.

Special Agent Lapish entered on duty with the FBI in 1976. After a brief stay in Kansas City, he was assigned to the Detroit Field Office. In Detroit, he developed an expertise in white collar crime investigations, and was regarded as one of the Bureau's top agents in that arena. With a background in accounting, he thrived on the protracted, intricate nature of investigating complex fraud matters, and was formally commended for his investigative accomplishments on several occasions.

Not surprisingly, Special Agent Lapish was known for his attention to detail. He was also known for his high ethical standards. He stood for the ideals of the FBI motto—Fidelity, Bravery and Integrity—at all times. Even as his illness made him weak, he would contemplate going to the office to work on cases he had been assigned. In addition, he was very active within his church, helping to promote the Christian lifestyle which he believed so deeply in.

Special Agent Lapish was also an extremely gifted athlete, and his passion for soccer became legendary within the Detroit community. He served as the coach for nearly 30 soccer teams, and in this capacity mentored hundreds of young individuals. His impact on them was seen at his memorial service, which was crowded with soccer players paying final respects to their favorite coach. It can also physically be seen in the Detroit area, where a soccer field was posthumously named in his honor.

Special Agent Lapish passed away on May 18, 2000 at the age of 50. He is survived by his wife, Mary, and two sons, Matthew and Andrew.

The Federal Bureau of Investigation works hard to ensure that its agents set a strong moral example for the people they are entrusted to protect. There is no question that Special Agent Lapish was a leader in this regard. Dedicated to his Nation, his agency, his family and his faith, he was a role model in the Detroit community, and he will be deeply missed.●

#### IN RECOGNITION OF DR. CHARLES E. THOMAS

● Mr. TORRICELLI. Mr. President, I rise today to recognize Dr. Charles E. Thomas, pastor of New Hope Baptist Church upon the occasion of his retirement. During his time in the ministry, Pastor Thomas has shown a great commitment to both church and community.

Under Pastor Thomas's leadership and guidance, The New Hope Baptist Church has accomplished a great deal and continues to grow. The New Hope Day Care Center has been established and the edifice of New Hope has been renovated and expanded, creating a beautiful church with seating for over 1,200. Further, numerous programs

have been implemented to enhance the lives of The New Hope members.

Pastor Thomas has also contributed much to the Newark community. He established the Minority Contractors and Craftsmans Trade Association and the New Hope Skills Center to enable individuals to pursue careers in carpentry, masonry, and machinery. In 1975, the New Hope Development Corporation was organized to build New Hope Village, a 170 family housing complex in Newark that provides affordable housing for lower income families.

For over 20 years, Pastor Thomas has dedicated himself to both his congregation and his community. His efforts have benefitted the lives of countless individuals, and he is richly deserving of our thanks and well wishes for his retirement.●

#### REVEREND DR. BENNIE THAYER

● Mr. GREGG. Mr. President, it is with great sadness that I rise to note the recent passing of the Reverend Dr. Bennie Thayer. Dr. Thayer was an extraordinary and inspiring figure in the eyes of all who knew him, and I would like to take this opportunity to describe for the record just a few of his achievements and his many attributes.

I have found it striking that the people who are now mourning Dr. Thayer's loss come from so many different backgrounds and walks of life. Clearly this was a man who touched many people in many different ways. Dr. Thayer was an ordained minister, the Senior Pastor at the United Methodist Church of the Redeemer in Temple Hills, Maryland. He also worked tirelessly to expand the political activities and economic opportunities for African Americans, both within his community and across the nation. His funeral last Saturday literally produced an overflow crowd—testimony to the high esteem in which he was held in religious communities, in political circles, and among many others.

Reverend Thayer was also the President and the CEO of the National Association for the Self-Employed, and it was in this capacity that I had come to know him. Along with Senator JOHN BREAUX, Congressman JIM KOLBE and Congressman CHARLIE STENHOLM, I co-chaired the CSIS National Commission on Retirement Policy. In the course of our work we took testimony from all sorts of groups—seniors' groups, youth advocacy groups, employer groups, and others—and it was through the gathering this testimony that my office first established regular contact with Reverend Thayer.

Among those who worked in the area of Social Security reform, Dr. Thayer stood out for his passionate and unswerving dedication to his cause. He also stood out in every other respect as well. He was an impressive, imposing figure of a man, with a deep and sonorous voice that he used to tremendous effect. And he was always there to do

whatever was necessary to advance the work in which he so deeply believed. In the rough and tumble world of Social Security politics, it is easy to become discouraged or demoralized, but Dr. Thayer was unfazed by any setback. Regardless of the short-term fortunes, he always kept his eye on the long-term horizon, and applied all of his considerable gifts and his hard work to achieving it.

All of us who knew Dr. Thayer admired him deeply for his willingness to argue passionately for an unconventional position when he knew that he was right. What was striking about Dr. Thayer's oratorical style was that he always strove to appeal to the very best instincts in his listeners—never selfishness, never division, never despair—always hope, opportunity, advancement, responsibility, self-reliance, and giving all that one can. There's a poignant example of this in a recent speech that he gave in Nashville, Tennessee, "The Power of Small Business for Wealth Creation in the Minority Community"—when he talks about why he felt that African Americans should support reform of the Social Security system. To quote from his words:

"First, African Americans tend to start working at a younger age than whites. So we pay taxes into the system for more years than whites. And second, African-Americans also have shorter life expectancies than whites. The average African-American male currently has a life expectancy of less than the retirement age of 65! So many African-Americans will spend their entire working lives paying taxes into Social Security. But then, they won't draw out a dime in retirement benefits. Or accumulate any wealth to pass along to their children, or other heirs." This is typical of his approach; noting not what was in it for him—but what kind of legacy was being left behind.

The sad irony here is that Bennie himself died at the age of 61. When one heard Bennie speak those words, one didn't think that he was talking about himself. I think that everyone close to him assumed that he had come so far in life that he would beat the odds.

And indeed Reverend Thayer had come very far from his birthplace in Pickens County, South Carolina. He was fully 36 when he received his bachelor's degree from the University of Maryland, 54 when he received his master's in divinity, and 58 when he received his doctorate of divinity. His biography shows the mark of a man who was always striving, always working to create the next opportunity. But when you look carefully at the opportunities that he sought, they so frequently centered on creating new hopes for others—promoting economic opportunities with the National Association of the Self-Employed, spiritual guidance through his ministry, bequeathing wealth to our children and our grandchildren through reform of the Social



Security system. This theme of striving to create a constructive and uplifting legacy ran throughout his life and throughout his work.

Dr. Thayer was an extraordinary man who led an extraordinary life. He is already deeply missed.●

#### HONORING THE WORK OF ANTHONY ROMOLO

● Mr. DURBIN. Mr. President, I rise today to recognize Tony Romolo, in whose honor the Anthony C. Romolo Training Center in Mt. Sterling, Illinois, is being dedicated this month.

Tony Romolo was the Center's founding administrator and is now the longest-serving training administrator within the Laborers' International Union of North America.

As administrator, Tony has been responsible for creating policies that have guided the procedures and management of the training center, including the development of training goals and priorities. His leadership has resulted in the training of thousands of laborers throughout Illinois.

The Laborers' Training Program was one of the first within the State of Illinois to receive accreditation from the Illinois Department of Public Health for teaching environmentally beneficial courses in asbestos abatement. Mr. Romolo also oversaw the creation of the Construction Craft Laborers' Apprenticeship Program that was approved February 3, 1997.

Tony Romolo's work has been diverse but unwavering in its commitment to improving the skills of our nation's workers. We are fortunate to have dedicated, hard-working men like Tony in our society today. Illinois is a better place because of his commitment to the working men and women of our state and country.●

#### TRIBUTE TO WORKERS AT THE PADUCAH GASEOUS DIFFUSION PLANT

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the thousands of workers, both past and present, at the Gaseous Diffusion Plants in Paducah, Portsmouth, and Oak Ridge for their patience and persistence through what has been, and continues to be, a challenging time.

When the reports of contamination broke in the August 8, 1999 edition of the Washington Post, my first thoughts were of the individuals and families who had suffered because of DOE's mistakes. I thought of the pain those workers must have endured from the illnesses and continue to endure in many cases, and the sense of loss families must have felt for those whose loved ones did not survive the harsh effects of contamination.

The story of the Harding Family, of Paducah, still haunts me. To think that a man suffered and died a painful death because of the carelessness of officials at the Department of Energy is

incomprehensible. My heart goes out to the Harding Family for the loss of Mr. Joe Harding, and I hope that this dear family can take some solace in the knowledge that it was because of Joe's persistence that this story came to light. Because of Joe's willingness to speak in the face of high-powered opposition, at least 120 other workers who suffer effects of contamination will now be treated and compensated by the United States government. Joe paid the ultimate price in his death, and for that he deserves our sympathy, our respect, and our gratitude.

From that very first moment the story broke, I have been determined to make sure all current and former employees are tested for contamination and that sick employees receive the treatment they need and deserve. Of course, nothing can take the place of good health or life, but every effort should be made to provide compensation for DOE's wrongs.

I want the workers in Paducah, Portsmouth, and Oak Ridge to know that I am working here in the Senate to ensure that they are adequately tested and treated for any problems they experience as a result of contamination at the plant. I have continually sought funding, as a member of the Senate Appropriations Committee, and am pleased to have played a role in providing the funding to make health testing equipment, such as the vital lung screening van for Paducah, available to all of the dedicated workers who have served at each of the Gaseous Diffusion Plants.

The mobile lung screening unit should serve as a symbol to each of the workers and their families that we will keep fighting for your health and safety, for your economic livelihood, and for the cleanup of the plant sites and surrounding neighborhoods.

On behalf of my colleagues in the Senate, I want to say thank you to the employees at the plants for their service to the United States. Your sacrifice to help us win the Cold War will never be forgotten.●

#### HONORING DR. ORLANDO EDREIRA

● Mr. TORRICELLI. Mr. President, I rise today to recognize the retirement of Dr. Orlando Edreira. Dr. Edreira's hard work and dedication as a Councilman in Elizabeth, New Jersey has had a lasting impact on communities throughout Union County and the State of New Jersey.

For more than four decades, Councilman Edreira has been contributing to the future of our children and the improvement of our communities as both an educator and a civil servant. He has contributed to hundreds of community projects and has been a member of numerous professional and community-based organizations in New Jersey. Councilman Edreira has also been a well-recognized and respected advocate for the Latino community of New Jersey throughout his career.

I salute Councilman Edreira's leadership in Elizabeth, which during his service has enjoyed a remarkable economic renaissance as new jobs and economic development have brought new life to one of New Jersey's historic cities. He is to be thanked for helping to sow these seeds of revitalization in the community. Councilman Edreira's retirement from the Elizabeth City Council is a true loss for both the City of Elizabeth and the entire State of New Jersey. After a career marked by many accomplishments, I am pleased today to highlight his remarkable record of service on the occasion of his retirement. While we are losing one of our State's finest and most valuable leaders, we can take pride in the countless contributions that Councilman Edreira has made to one of New Jersey's most important communities.●

#### A TRIBUTE TO SPECIAL AGENT DAVID J. WILSON

● Mr. ABRAHAM. Mr. President, during the 106th Congress, the Detroit Field Office of the Federal Bureau of Investigation lost two of its most dedicated agents to battles with cancer. Both were respected not only for their professional accomplishments, but also for the manner in which they conducted themselves outside of their work, as each contributed considerably to the Detroit community. I rise today in honor and in memory of Special Agent David J. Wilson, one of these two men.

Before joining the Federal Bureau of Investigation in 1980, Special Agent Wilson served the Nation as a military police officer, earning the National Defense, Marksman and Sharpshooter service medals. Upon joining the FBI, he quickly earned top honors in his Academy Class for academics, physical fitness and marksmanship.

Special Agent Wilson spent the majority of his FBI career working in Detroit. He specialized in drug and white collar crime matters, and was highly regarded for his investigative skills. Indeed, he was a pioneer in the investigation of health care fraud, and his undercover work in the Detroit area yielded numerous successful prosecutions which saved and recovered millions of dollars for the State of Michigan in fraudulent medical billings. They also helped to prevent the illegal diversion of controlled substances by health care professionals.

Special Agent Wilson received many commendations, including two national awards, on account of his investigative prowess. In 1997, he was appointed to the position of Polygrapher for the Detroit Field Office, a position he held with great pride.

The City of Detroit was in many ways a perfect fit for Special Agent Wilson. He developed a unique interest in its history and architecture. An accomplished vocalist himself, he had a passion for music, and particularly for the "Motown" sound. He also had an

appreciation for fine arts and for the theater, both of which were nurtured in Detroit. And, as an avid basketball player and fan, he was able to cheer on the Detroit Pistons during the greatest years that organization has known.

Special Agent Wilson passed away on August 29, 1999 at the age of 47. He is survived by his wife, Patricia, and two sons, Lerone and Paul.

The Federal Bureau of Investigation works hard to ensure that its agents set a strong moral example for the people they are entrusted to protect. There is no question that Special Agent Wilson was a leader in this regard. Dedicated to his Nation, his agency and his family, he was a role model in the Detroit community, and he will be deeply missed.●

#### HONORING SHERIFF JOHN T. PIERPONT

● Mr. ASHCROFT. Mr. President, I would like to honor John T. Pierpont for his outstanding service as Sheriff of Greene County, Missouri. I want to extend my personal appreciation and heartfelt thanks to John for his dedication and hard work.

There are few careers more noble than those spent in public service. Sheriff Pierpont's twenty years of service with the Greene County Sheriff's Office have meant a great deal to the people he has served. Prior to being elected Sheriff of Greene County, Mr. Pierpont served as U.S. Marshal for the Western District of Missouri for eight years. His service has extended well beyond the Sheriff's office and law enforcement to community and charitable organizations across Greene County and throughout our state.

Sheriff Pierpont has represented the state of Missouri and the Sheriff's Department with dignity, integrity, and professionalism. His commitment to the enforcement of Missouri law and the protection of our residents is to be commended. I am delighted to honor my friend and fellow Greene County resident, John Pierpont.

May God richly bless John and his family as they begin this next chapter in their lives.●

#### TRIBUTE TO MICHAEL DAWSON

● Mr. VOINOVICH. Mr. President, I rise today to pay tribute to Michael Dawson, who, over the past 11 years, has been my press secretary, one of my most trusted advisors, and a man whose judgement has been a key component to my success, from the campaign trail, to the Statehouse of Ohio and to the Capitol of the United States. But most of all, Mike Dawson has been, and will always be, my friend.

I first got to know Michael in 1989, when I was pursuing the governorship of Ohio and he was working as a top aide to then-Congressman Mike DeWine during his campaign for Lieutenant Governor. I was immediately struck by his work ethic and his tenac-

ity. During that campaign, it was reported that if Mike saw the lights on in the offices of our opponent when he was leaving the office, no matter what time it was, Mike would turn around, go back inside and continue to work. Mike refused to allow them to get the upper hand by putting in more time or effort.

Once the election was over, and I was elected Governor, there was little doubt in my mind that one of the people I had to have on my executive team was Mike Dawson. Since then, Mike has been with me through thick and thin and through good times and bad. Whatever the situation, and no matter how rough things got, Mike was always there providing me sound advice.

I will never forget Mike's dedication and professionalism during the Lucasville prison riots in April of 1993—a period I consider to be the darkest days of my administration. For eleven days, Ohio held its breath as the Lucasville prison erupted in violence. As I worked to find a peaceful solution to the crisis, one of the people I depended upon most for assistance was Mike Dawson. Not only did Mike serve as press secretary at that time, but he was also my executive assistant in charge of emergency management operations. In that position, Mike had a strong hand in working with the Department of Rehabilitation and Corrections, the Ohio Highway Patrol, and several other agencies in helping to put an end to the siege at the prison and restoring order. Mike initiated a task force to review what had gone wrong at Lucasville and to make recommendations on how to avoid similar Lucasville situations in the future. A special emphasis of the task force focused on the proper role of the media in covering prison situations.

Mike's service in emergency management operations was not limited just to the Lucasville riots. He was instrumental in Ohio's efforts to coordinate assistance to flood-ravaged areas of Ohio in 1997 and 1998, and was always right in the middle of things whenever Ohio was faced with an emergency situation during my two terms as Governor.

But no tribute to Mike would be complete without mentioning the work he has done as my press secretary. Mike has a relationship with Ohio's press corps and editorial writers that is legendary. All you would have to do, Mr. President, is ask any reporter who has covered my two terms as governor or my first two years in the Senate to find out what kind of a professional Mike really is.

Throughout the entire time that he has been my press secretary, Mike has always been accessible, always willing to go the extra mile to furnish the information that will make a reporter's job easier and he has made it a point to be able to provide an answer to whatever questions the press ask. If Mike does not know an answer, he will find it, and he will make sure that he un-

derstands the entire issue well-enough to be able to explain it. Mike has always been relentless in wanting to guarantee that the press gets the story right the first time.

Of course, the Ohio press corps could write volumes of examples of Mike's tenacity in wanting a story reported correctly. If Mike felt he was right, he would argue his point until that reporter understood what he was talking about and where he was coming from. If Mike knew he was right, he would be relentless in his effort to not only convince the reporter to see his point of view, but to agree with it as well.

Mike's style has earned him the respect of reporters from all across Ohio. In fact, when I left the Governor's office to come to the Senate, Mike was lauded in a column written by Joe Hallett in the Cleveland Plain Dealer for how diligently he served as press secretary during my administration: probably the highest compliment any press secretary can receive from his peers.

That column put in print what I already knew and what I told millions of Ohioans on the night I was elected to the Senate—that Mike Dawson was the best press secretary in America. It was true then, and it is true today. In all the years I have known him, and in the hundreds, if not thousands, of stories that Mike handled for my gubernatorial administration, as well as here in the Senate, he has always kept the best interests of Ohio at heart. I have been truly blessed to have had Mike provide me such tremendous professional service over the years.

As I have been blessed with Mike's service, he has been blessed even more so with a wonderful and loving family. To witness the love that Mike has for his wife Laurel and his son Will makes it evident that they are the most important priorities in his life, and to see them all together makes it easy to realize that God's love truly shines upon them.

Mike is an Ohioan to the core, and he has always considered it his distinct privilege to work on behalf of the people of his state of Ohio in an effort to improve government and make government work more efficiently, and for the benefit of all Ohioans. When serving the people of Ohio, Mike was the first to arrive in the morning and the last to leave at night, and it was a given that Mike was on-call 24 hours a day, 7 days a week.

Today, though, Mike's responsibilities are focused a little more closer to home, and he and Laurel have decided to go back to their roots and raise Will in the Buckeye State. And while I am losing a valued member of my staff, I take great comfort in the knowledge that my friend Mike Dawson's service to the people of Ohio will continue. Mike has gone back to work for his former boss and my very dear friend, Senator MIKE DEWINE. I know that he will be successful in this new endeavor.

I consider myself a better person and a better public servant for having the

opportunity to know Michael Dawson. He has been a loyal friend and a sage counselor whom I will truly miss.●

TRIBUTE TO WILLIAM F.X.  
McCONNELL

● Mr. HATCH. Mr. President, I rise today to honor a fellow Utahn, William F.X. McConnell of Salt Lake City, a remarkable man with a remarkable story. I am not sure that in this retelling I can do justice to his sacrifices or of those who fought along side of him during World War II's campaign for the Rhine River. But, I think my colleagues would be interested in this history and would like to join me in paying tribute to the bravery of these men.

In December 1944, Bill McConnell arrived in France and was assigned to the 168th Engineer Combat Battalion. Shortly thereafter, Bill McConnell and his battalion fought in the terrible Battle of the Bulge. His battalion paved the way for an allied victory by removing road blocks and tank traps, building bridges under fire, and other perilous assignments. But, these were not the most harrowing experiences to which McConnell was assigned. The worst was yet to come.

McConnell and his battalion were called to cross the Rhine River, an assault as dangerous as it was important. He was told that this would be a simple assault, with plenty of support provided. At 2:00 a.m. on March 26, 1945, he boarded a row boat to cross the Rhine River into Germany. During the crossing, a bank of lights on the German side of the river were suddenly turned on, spotlighting the American soldiers. German tracer bullets fell like deadly rain upon them. The promised support from the American side never came.

While rowing, McConnell was hit in the wrist. Bleeding profusely, he continued to row. Shortly thereafter, several tracer bullets ripped through his thigh and knee. Continuing to row, he was hit a third time by an unidentified object on the side of his face and head. This blow knocked him into the water where he was miraculously saved by an assault boat returning from the German shore. Still without cover, the occupants of the boat were forced to debark and trudge through an active sewer line in order to escape the German gunfire.

For this act of bravery, Bill McConnell was awarded a well-deserved Purple Heart. In addition, he has been honored with the American Campaign Medal, Good Conduct Medal, Distinguished Unit Citation, European Theater of Operations with four battle stars, and the Belgium Croix de Guerre (War Cross). These medals stand as a symbol of his dedication.

But, Bill McConnell's battle since the war has been to keep this military history alive. While the battle at Remagen and other locations during the war to defeat the Third Reich have been well-chronicled in books and on film,

engagements such as the Rhine crossing are still unknown to many Americans.

Since the war, McConnell has worked tirelessly in support of veterans organizations. Shortly after returning from the war he worked as a national service officer with the Disabled American Veterans. For 25 years, he served in the Veterans Administration Adjudication Division, in positions including senior adjudicator, chairman of the rating board, and adjudication officer.

For more than 40 years, he has been the American Legion member in charge of placing U.S. flags on graves for Memorial Day. He has served as past state commander in Utah of the Disabled American Veterans. He is the founder of the Salt Lake City chapter and national service officer of the Military Order of the Purple Heart, where he volunteers to help veterans with their disability claims. Clearly, he is one who has helped many.

There are thousands of World War II veterans just like Bill McConnell, who fought courageously for freedom. But, William F.X. McConnell is one who happens to live in my home state. He exemplifies the dedication of all American soldiers, sailors, airmen, and marines—past, present, and future—who have always been on watch to defend our country and its vital interests.

Today, I want to thank Bill McConnell for his service in uniform and for his service to our nation's veterans. This stand as his own monument. I am pleased to call the Senate's attention to his bravery in battle and to his many contributions to veterans.●

MR. LEONARD E. AND MRS.  
LOUISE A. PLACHTA DAY

● Mr. ABRAHAM. Mr. President, November 11, 2000 is a very special day on the campus of Central Michigan University in Mount Pleasant, MI. The day has been proclaimed Mr. Leonard E. and Mrs. Louise A. Plachta Day, in honor of the former President and First Lady of the University. I rise today to recognize this occasion and to pay tribute to the magnificent couple being honored.

The couple arrived in Mt. Pleasant in 1972 when Mr. Plachta took a job as Professor of Accounting. He served as Assistant Dean of CMU's College of Business Administration from 1977 to 1979, when he took over the position of Dean. In January of 1992, he was appointed to serve as President of the University, and he served in this position until his retirement in July of 2000.

Mr. Plachta's 8-year tenure as President stands as one of the most productive stints in the history of the University. His financial restructuring of CMU has allowed it to remain one of the most affordable public universities in the State of Michigan. He initiated a number of programs to give students real-world experience to help prepare them for future employment, including

developing a state-of-the-art Career Services Center and expanding internship opportunities for students.

He drew national attention for the Degree Partners Program, which is a guaranteed four-year degree agreement with students designed to save them money as well as get skilled professionals into the job market quickly. He also initiated one of the first leadership scholar programs in the country, a four-year educational protocol designed to help students develop ethical leadership skills they can apply in their professions.

Mr. Plachta oversaw significant upgrading of classrooms and facilities during his tenure. This included new, highly technological music and science buildings; new and renovated athletic facilities; and a pending Library and Information Services Center that will incorporate technology to link students with academic resources from around the world.

He also oversaw a complete reorganization of CMU's academic programs in order to increase interdepartmental cooperation and draw attention to the University's strengths. This reorganization included a new College of Communication and Fine Arts, a new College of Health Professions, redefined science programs through a new College of Science and Technology, and a revamped College of Business Administration, College of Education and Human Services, and College of Humanities and Social and Behavioral Sciences.

One of the greatest accomplishments of his tenure, though, has been the leadership role CMU has taken in terms of the chartering of public school academies, charter schools. More than 17,000 K-12 students, approximately 50 percent of whom are minorities or at risk children, are enrolled in 59 CMU-licensed schools throughout the State of Michigan, with families on waiting lists at nearly every school. In addition, the national Charter Schools Development and Performance Institute, housed at CMU, had its grand opening earlier this year, on May 1, 2000.

Mrs. Plachta has also greatly contributed to the CMU community. For twelve years, she worked as a member of the clerical staff. She provided superior guidance and caring support to nontraditional students as the nontraditional student services liaison, which is a volunteer position. Her knowledge in this position came honestly, as she earned a master's degree herself as a nontraditional student. And, as First Lady, she has been a much-loved ambassador for CMU and an outstanding member of the Mount Pleasant community, volunteering with numerous organizations and strongly supporting adult literacy programs.

Central Michigan University stands where it does today, poised for success in the 21st Century, in large part due to the efforts of Mr. and Mrs. Plachta. They have worked together to bring

about positive change not only for the University, but also for the State of Michigan, on many different fronts, and I thank them for their extraordinary efforts. On behalf of the entire United States Senate, I congratulate Mr. Leonard E. and Louise A. Plachta on having a day designated in their honor, and I hope that they enjoy every minute of it. ●

#### MESSAGES FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 460. An act to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

H.R. 2570. An act to require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that comprise the Lincoln Highway, and for other purposes.

H.R. 3926. An act to amend the Illinois and Michigan Canal National Heritage Corridor Act of 1984 to increase the amount authorized to be appropriated to the Illinois and Michigan Canal National Heritage Corridor Commission.

H.R. 4187. An act to assist the establishment of an interpretive enter and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

H.R. 4281. An act to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new or revised scientifically valid toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

H.R. 4312. An act to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

H.R. 4404. An act to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes.

H.R. 4493. An act to establish grants for drug treatment alternative to prison programs administered by State or local prosecutors.

H.R. 4521. An act to direct the Secretary of the Interior to authorize and provide funding for rehabilitation of the Going-to-the-Sun Road in Glacier National Park, to authorize funds for maintenance of utilities related to the Park, and for other purposes.

H.R. 4646. An act to designate certain National Forest System lands within the boundaries of the State of Virginia as wilderness areas.

H.R. 4965. An act to amend the Perishable Agricultural Commodities Act, 1930, to ex-

tend the time period during which persons may file a complaint alleging the preparation of false inspection certificates at Hunts Point Terminal Market, Bronx, New York.

H.R. 5016. An act to redesignate the facility of the United States Postal Service located at 514 Express Center Drive in Chicago, Illinois, as the "J.T. Weeker Service Center."

H.R. 5041. An act to establish the boundaries and classification of a segment of the Missouri River in Montana under the Wild and Scenic Rivers Act.

H.R. 5110. An act to designate the United States courthouse located at 3470 12th Street in Riverside, California, as the "George E. Brown, Jr. United States Courthouse."

H.R. 5210. An act to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the "George Atlee Goodling Post Office Building."

H.R. 5225. An act to revise the boundaries of the Richmond National Battlefield Park based on the findings of the Civil War Sites Advisory Committee and the National Park Service and to encourage cooperative management, protection, and interpretation of the resources associated with the Civil War and the Civil War battles in and around the city of Richmond, Virginia.

H.R. 5302. An act to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse."

H.R. 5312. An act to amend the Controlled Substances Act to protect children from drug traffickers.

H.R. 5398. An act to provide that land which is owned by the Coushatta Tribe of Louisiana but which is not held in trust by the United States for the Tribe may be leased or transferred by the Tribe without further approval by the United States.

H.R. 5410. An act to establish revolving funding for the operation of certain programs and activities of the Library of Congress, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 406. An act to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.

S. 1296. An act to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System.

S. 1705. An act to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.

S. 1707. An act to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes.

S. 2102. An act to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes.

S. 2412. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.

S. 2498. An act to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Sub-

millimeter Array located on Mauna Kea at Hilo, Hawaii.

S. 2917. An act to settle the land claims of the Pueblo of Santo Domingo.

S. 3201. An act to rename the National Museum American Art.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 145. Concurrent resolution expressing the sense of Congress on the propriety and need for expeditious construction of the National World War II Memorial at the Rainbow Pool on the National Mall in the Nation's Capital.

The message also announced that the House has passed the bill (S. 1936) to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes, with an amendment.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 1444) to authorize the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the States of Oregon, Washington, Montana, Idaho, and California, with amendments.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 4788) to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, extend the authorization of appropriations for that Act, and improve the administration of that Act, to reenact the United States Warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes, with an amendment.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 209) to improve the ability of Federal agencies to license federally owned inventions, without amendment.

The message further announced that the House has agreed to the amendments of the Senate to the amendments of the House to the bill (S. 1402) to amend the United States Code, to enhance programs providing education benefits for veterans, and for other purposes, without amendment.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes, without amendment.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2607) to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes, without amendment.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 3069) to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia, without amendment.

The message further announced that the House has agreed to the amendments of the Senate to the bill (H.R. 4850) to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing compensation and life insurance benefits for veterans, and for other purposes, without amendment.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 4864) to amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes, without amendment.

The message further announced that the House disagreed to the amendment of the Senate to the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses and appoints Mr. WALSH, Mr. DELAY, Mr. HOBSON, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Mrs. NORTHUP, Mr. SUNUNU, Mr. GOODE, Mr. YOUNG of Florida, Mr. MOLLOHAN, Ms. KAPTUR, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, Mr. CRAMER, and Mr. OBEY, as the managers of the conference on the part of the House.

The message also announced that pursuant to provisions of section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616), the Speaker reappointed Mr. Gordon A. Martin of Roxbury, Massachusetts, on the part of the House to the Coordinating Council on Juvenile Justice and Delinquency Prevention, to a 2-year term.

At 4:39 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 624. An act to authorize construction of the Fort Peck Reservation Rural Water Sys-

tem in the State of Montana, and for other purposes.

S. 2686. An act to improve service systems for individuals with developmental disabilities, and for other purposes.

S. 1809. An act to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

H.R. 3986. An act to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

H.R. 34. An act to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

H.R. 208. An act to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

H.R. 707. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

H.R. 1654. An act to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes.

H.R. 1715. An act to extend and reauthorize the Defense Production Act of 1950.

H.R. 2389. An act to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.

H.R. 2842. An act to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage, and for other purposes.

H.R. 2879. An act to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech.

H.R. 2883. An act to amend the Immigration and Nationality Act to modify the provisions governing acquisition of citizenship by children born outside of the United States, and other purposes.

H.R. 2984. An act to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska.

H.R. 3235. An act to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

H.R. 3236. An act to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

H.R. 3292. An act to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

H.R. 3468. An act to direct the Secretary of the Interior to convey certain water rights to Duchesne City, Utah.

H.R. 3577. An act to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho.

H.R. 3767. An act to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act.

H.R. 3986. An act to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

H.R. 3995. An act to establish procedures governing the responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government.

H.R. 4002. An act to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger.

H.R. 4259. An act to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

H.R. 4386. An act to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

H.R. 4389. An act to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

H.R. 4681. An act to provide for the adjustment of status of certain Syrian nationals.

H.R. 4828. An act to designate the Steens Mountain Wilderness Area and the Steens Mountain Cooperative Management and Protection Area in Harney County, Oregon, and for other purposes.

H.R. 5107. An act to make certain corrections in copyright law.

H.R. 5417. An act to rename the Stewart B. McKinney Homeless Assistance Act as the "McKinney-Vento Homeless Assistance Act."

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 4:55 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5308. An act to amend laws relating to the lands of the citizens of the Muscogee (Creek), Seminole, Cherokee, Chickasaw and Choctaw Nations, historically referred to as the Five Civilized Tribes, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-11156. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tebuconazole; Extension of Tolerances for Emergency Exemptions" (FRL #6749-5) received on October 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11157. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Norflurazon; Extension of Tolerances for Emergency Exemptions" (FRL #6748-2) received on October 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11158. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Zinc Phosphide; Extension of Tolerances for Emergency Exemptions" (FRL #6748-1) received on October 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11159. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of rule entitled "Citrus Canker; payments for Commercial Citrus Tree Replacement" (Docket No. 00-037-1) received on October 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11160. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "8(a) Business Development/Small Disadvantaged Business Status Determination; Rule of Procedure Governing Cases Before the Office of Hearings and Appeals" (RIN 3245-AE60) received on October 17, 2000; to the Committee on Small Business.

EC-11161. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Luminescent Zinc Sulfide; Confirmation of Effective Date" (Docket No. 97C-0415) received on October 17, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11162. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Phaffia Yeast; Confirmation of Effective Date" (Docket No. 97C-0466) received on October 17, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11163. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Haematococcus Algae Meal; Confirmation of Effective Date" (Docket No. 98C-0212) received on October 17, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11164. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Changes to Various VOC Regulations" (FRL #6886-5) received on October 13, 2000; to the Committee on Environment and Public Works.

EC-11165. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Post-1996

Rate of Progress Plans" (FRL #6877-5) received on October 13, 2000; to the Committee on Environment and Public Works.

EC-11166. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri; Designation of Areas for Air Quality Planning Purposes, Dent Township" (FRL #6885-6) received on October 17, 2000; to the Committee on Environment and Public Works.

EC-11167. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Virginia; Approval of Removal of tSP Ambient Air Quality Standards" (FRL #6887-7) received on October 17, 2000; to the Committee on Environment and Public Works.

EC-11168. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Maryland; Nitrogen Oxides Budget Program" (FRL #6878-4) received on October 17, 2000; to the Committee on Environment and Public Works.

EC-11169. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Colorado and Utah; 1996 Periodic Carbon Monoxide Emission Inventories" (FRL #6889-2) received on October 17, 2000; to the Committee on Environment and Public Works.

EC-11170. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Water Heaters, Small Boilers, and Process Heaters; Agreed Orders; Major Stationary Sources of Nitrogen Oxides in the Beaumont/Port Arthur Ozone Nonattainment Area" (FRL #6886-1) received on October 17, 2000; to the Committee on Environment and Public Works.

EC-11171. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the San Diego Fairy Shrimp (*Branchinecta sandiegoensis*)" (RIN1018-AF97) received on October 17, 2000; to the Committee on Environment and Public Works.

EC-11172. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Coastal California Gnatcatcher" (RIN1018-AF32) received on October 17, 2000; to the Committee on Environment and Public Works.

EC-11173. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to Nonproliferation and Disarmament Fund (NDF) activities; to the Committee on Foreign Relations.

EC-11174. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license to Algeria and Israel; to the Committee on Foreign Relations.

EC-11175. A communication from the Assistant General Counsel for Regulations, Of-

fice of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Increased Distributions to Owners of Certain HUD-Assisted Multifamily Rental Projects" (RIN2502-AH46) (FR-4532-F-01) received on October 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-11176. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to exports to Algeria; to the Committee on Banking, Housing, and Urban Affairs.

EC-11177. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to exports to Uzbekistan; to the Committee on Banking, Housing, and Urban Affairs.

EC-11178. A communication from the Assistant Secretary for Export Administration, Office of Strategic Industries and Economic Security, Bureau of Export Administration, transmitting, pursuant to law, the report of a rule entitled "Effect of Imported Articles on the National Security" (RIN0694-AC07) received on October 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-11179. A communication from the Assistant Secretary for Export Administration, Office of Strategic Industries and Economic Security, Bureau of Export Administration, transmitting, pursuant to law, the report of a rule entitled "Revisions to Encryption Items" (RIN0694-AC32) received on October 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-11180. A communication from the Commissioner of Social Security, transmitting, pursuant to law, a report relative to the processing of continuing disability reviews (CDR) for fiscal year 1999; to the Committee on Finance.

EC-11181. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "July-September 2000 Bond Factor Amounts" (Revenue Ruling 2000-48) received on October 16, 2000; to the Committee on Finance.

EC-11182. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Preparer Due Diligence Requirements for Determining Earned Income Credit Eligibility" (RIN1545-AW74, TD 8905) received on October 16, 2000; to the Committee on Finance.

EC-11183. A communication from the Program Manager, Bureau of Alcohol, Tobacco and Firearms, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Labeling of Flavored Wine Products" (RIN1512-AB86) received on October 17, 2000; to the Committee on Finance.

EC-11184. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of the Advisory Neighborhood Commission 3B for the period October 1, 1997 through December 31, 1999"; to the Committee on Governmental Affairs.

EC-11185. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "NARA Reproduction Fee Schedule" (RIN3095-AA87) received on October 13, 2000; to the Committee on Governmental Affairs.

EC-11186. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a report relative to the year 2000 commercial activities inventory; to the Committee on Governmental Affairs.



EC-11187. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to the B-1B Defensive System Upgrade Program (DSUP); to the Committee on Armed Services.

EC-11188. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report relative to the fiscal year 2000 commercial activities; to the Committee on Armed Services.

EC-11189. A communication from the Assistant Secretary of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "25 CFR Part 20, Financial Assistance and Social Services Programs" (RIN1076-AD95) received on October 13, 2000; to the Committee on Indian Affairs.

EC-11190. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Amendments to Gas Valuation Regulations for Indian Leases (MT and ND time limits)" (RIN1010-AC72) received on October 16, 2000; to the Committee on Indian Affairs.

EC-11191. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Repeat Intoxicated Driver Laws" (RIN2127-AH47) received on October 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11192. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF6 Turbofan Engines; Docket no. 2000-NE-38 [10-2/10-16]" (RIN2120-AA64) (2000-0483) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11193. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (88); amdt. no. 2013; [10-5/10-16]" (RIN2120-AA65) (2000-0051) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11194. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (38); amdt. No. 2012; [10-5/10-16]" (RIN2120-AA65) (2000-0052) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11195. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Service Difficulty Reports; technical amendment; Docket No. 28293" (RIN2120-AF71) (2000-0002) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11196. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fees for Air Traffic Services for Certain Flights Through U.S.-Controlled Airspace and for Aeronautical Studies; extension of comment period; interim final rule; docket no. FAA-00-7018; [10-6/10-16]" (RIN2120-AG17) (2000-0003) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11197. A communication from the Program Analyst, Federal Aviation Administra-

tion, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Advanced Qualification Program; docket no. FAA-2000-7497 [10-10/10-16]" (RIN2120-AH01) (2000-0002) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11198. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Commercial Air Tour Limitations in the GCNPSFRA; Modification of the Dimensions of the GCNPFRA and FFZone; Disposition of a request for stay of compl. date; [10-11/10-16]" (RIN2120-ZZ30) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11199. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Strategic Booming Exercise in the Cape May Harbor, Cape May, NJ" (CGD05-00-047)" (RIN2115-AA97) (2000-0086) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11200. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Thunderbird Air Show, Long Island Sound, Governor Alfred E. Smith/Sunken Meadow State Park, Kings Park, NY" (CGD01-00-224)" (RIN2115-AA97) (2000-0087) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11201. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Areas/Anchorage Grounds Regulations; Delaware Bay and River" (CGD05-00-048)" (RIN2115-AA98) (2000-0007) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11202. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Milford Haven, Virginia" (CGD05-00-042)" (RIN2115-AE47) (2000-0049) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11203. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Florida East Coast Railway Bridge, Across the Okeechobee Waterway, Mile 7.4, at Stuart, Martin County, FL (CGD07-00-097)" (RIN2115-AE47) (2000-0050) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11204. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; CSX Railroad Bridge (South Fork of the New River), Ft. Lauderdale, Broward County, FL" (CGD07-00-092)" (RIN2115-AE47) (2000-0051) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11205. A communication from the Acting Chief of the Office of Regulations and Ad-

ministrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Allowing Alternative Source to Incandescent Light in Private Aids to Navigation (USCG-2000-7466)" (RIN2115-AF98) (2000-0001) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11206. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Traffic Separation Scheme; In the Approaches to Los Angeles-Long Beach, California (USCG-2000-7695)" (RIN2115-AF99) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11207. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments (USCG-2000-7790)" (RIN2115-ZZ02) (2000-0002) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11208. A communication from the Acting Secretary of the Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Appliance Labeling Rule, 16 C.F.R. Part 305" (RIN3084-AA74) received on October 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11209. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report on the Application of New Standards or Technologies to Reduce Aircraft Noise Levels; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with amendments:

S. 2731: A bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies (Rept. No. 106-505).

By Mr. CAMPBELL, from the Committee on Indian Affairs:

Report to accompany S. 2917, a bill to settle the land claims of the Pueblo of Santo Domingo (Rept. No. 106-506).

## EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. MCCAIN for the Committee on Banking, Housing, and Urban Affairs.

Marjory E. Searing, of Maryland, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)



## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH of New Hampshire (for himself, Mr. GREGG, Mr. LEAHY, and Mr. JEFFORDS):

S. 3212. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont; to the Committee on Energy and Natural Resources.

By Mr. ALLARD (for himself and Mr. CRAPO):

S. 3213. A bill to amend the Internal Revenue Code of 1986 to allow an individual to designate \$3 or more on their income tax return to be used to reduce the public debt; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. HARKIN, and Mr. KENNEDY):

S. 3214. A bill to amend the Assets for Independence Act (Title IV of the Community Opportunities, Accountability, and Training and Educational Services Act of 1998) to enhance program flexibility, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 3215. A bill to amend the Public Health Service Act to reauthorize women's health research award programs conducted through the National Institutes of Health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG (for himself and Mr. BAUCUS):

S. 3216. A bill to provide for review in the Court of International Trade of certain determinations of binational panels under the North American Free Trade Agreement; to the Committee on Finance.

By Mr. MACK (for himself and Mr. BROWNBACK):

S. 3217. A bill to amend the Internal Revenue Code of 1986 to provide for individuals who are residents of the District of Columbia a maximum rate of tax of 15 percent on income from sources within the District of Columbia, and for other purposes; to the Committee on Finance.

By Mr. MCCONNELL:

S. 3218. A bill to amend the Clean Air Act to exclude beverage alcohol compounds emitted from aging warehouses from the definition of volatile organic compounds; to the Committee on Environment and Public Works.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself, Mr. LEVIN, Mr. THURMOND, Mr. KENNEDY, Mr. MCCAIN, Mr. BYRD, Mr. SMITH of New Hampshire, Mr. ROBB, Mr. INHOFE, Mr. LIEBERMAN, Mr. SANTORUM, Mr. CLELAND, Ms. SNOWE, Ms. LANDRIEU, Mr. ROBERTS, Mr. REED, Mr. ALLARD, Mr. HUTCHINSON, Mr. SESSIONS, Mr. BOND, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. SARBANES, Ms. MIKULSKI, Mr. KERRY, Mr. MILLER, Mr. EDWARDS, Mr. VOINOVICH, Mr. WELLSTONE, and Mrs. FEINSTEIN):

S. Res. 378. A resolution honoring the members of the crew of the guided missile destroyer U.S.S. *Cole* (DDG-67) who were

killed or wounded in the terrorist bombing attack on that vessel in Aden, Yemen, on October 12, 2000, expressing the sympathies of the Senate to the families of those crew members, commending the ship's crew for their heroic damage control efforts, and condemning the bombing of that ship; considered and agreed to.

By Ms. SNOWE (for herself, Mr. MCCAIN, Mr. ROBB, Mr. INHOFE, Mr. THURMOND, Mr. BOND, Ms. LANDRIEU, Mr. ROBERTS, Mr. SANTORUM, Mr. HUTCHINSON, Mr. REED, Mr. LIEBERMAN, Mr. LEVIN, Mr. KENNEDY, and Mrs. FEINSTEIN):

S. Res. 379. A resolution memorializing the sailors of the Navy lost in the attack on the U.S.S. *Cole* (DDG-67) in the port of Aden, Yemen, on October 12, 2000; extending condolences to their families and other loved ones; extending sympathy to the members of the crew of that vessel who were injured in the attack and commending the entire crew for its performance and professionalism in saving the U.S.S. *Cole*; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH of New Hampshire (for himself, Mr. GREGG, Mr. LEAHY, and Mr. JEFFORDS):

S. 3212. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont; to the Committee on Energy and Natural Resources.

### UPPER CONNECTICUT RIVER PARTNERSHIP ACT OF 2000

Mr. SMITH of New Hampshire. Mr. President, I am pleased to introduce the Upper Connecticut River Partnership Act of 2000. This legislation is a truly locally-led initiative. I believe it will result in great environmental benefits for the Connecticut River.

The Connecticut River forms the border to New Hampshire and Vermont and provides for a great deal of recreational and tourism opportunities for residents of both States. This legislation takes a major step forward in making sure this River continues to thrive as a treasured resource.

To understand just how significant this legislation is, I would like to share with my colleagues some history about the Connecticut River program. In 1987-88, New Hampshire and Vermont each created a commission to address environmental issues facing the Connecticut river valley. The commissions were established to coordinate water quality and various other environmental efforts along the Connecticut river valley. The two commissions came together in 1990 to form the Connecticut River Joint Commission. The Joint Commission has no regulatory authority, but carries out cooperative education and advisory activities.

To further the local influence of the Commission, the Connecticut River Joint Commission established five advisory bi-state local river subcommittees comprised of representatives nominated by the governing body of their

municipalities. These advisory groups developed a Connecticut River Corridor Management Plan. A major portion of the plan focuses on channeling federal funds to local communities to implement water quality programs, nonpoint source pollution controls and other environmental projects. Over the last ten years, the Connecticut River Joint Commission has fostered widespread participation and laid a strong foundation of community and citizen involvement.

As a Senator from New Hampshire and chairman of the Environment and Public Works Committee, as well as someone who enjoys the beauty of the Connecticut river, I am proud to be the principal author and cosponsor of this locally led, voluntary effort that accomplishes real environmental progress. Too often we depend on bureaucratic federal regulatory programs to accomplish environmental success. This bill takes a different approach and one that I bet will achieve greater results on the ground. I hope that other communities and neighboring states will look at this model as an example of how to develop and implement true voluntary, on the ground, locally-led environmental programs.

I want to thank my colleague from New Hampshire, Senator GREGG, and the two distinguished Senators of Vermont, Senators LEAHY and JEFFORDS, for joining me as original cosponsors to this legislation. I look forward to working with them as we move this important legislation through the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 3212

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Upper Connecticut River Partnership Act".

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the upper Connecticut River watershed in the States of New Hampshire and Vermont is a scenic region of historic villages located in a working landscape of farms, forests, and the mountainous headwaters and broad fertile floodplains of New England's longest river, the Connecticut River;

(2) the River provides outstanding fish and wildlife habitat, recreation, and hydropower generation for the New England region;

(3) the upper Connecticut River watershed has been recognized by Congress as part of the Silvio O. Conte National Fish and Wildlife Refuge, established by the Silvio O. Conte National Fish and Wildlife Refuge Act (16 U.S.C. 668dd note; Public Law 102-212);

(4) the demonstrated interest in stewardship of the River by the citizens living in the watershed led to the Presidential designation of the River as 1 of 14 American Heritage Rivers on July 30, 1998;

(5) the River is home to the bistate Connecticut River Scenic Byway, which will foster heritage tourism in the region;

(6) each of the legislatures of the States of Vermont and New Hampshire has established a commission for the Connecticut River watershed, and the 2 commissions, known collectively as the "Connecticut River Joint Commissions"—

(A) have worked together since 1989; and

(B) serve as the focal point for cooperation between Federal agencies, States, communities, and citizens;

(7) in 1997, as directed by the legislatures, the Connecticut River Joint Commissions, with the substantial involvement of 5 bistate local river subcommittees appointed to represent riverfront towns, produced the 6-volume Connecticut River Corridor Management Plan, to be used as a blueprint in educating agencies, communities, and the public in how to be good neighbors to a great river;

(8) this year, by Joint Legislative Resolution, the legislatures have requested that Congress provide for continuation of cooperative partnerships and support for the Connecticut River Joint Commissions from the New England Federal Partners for Natural Resources, a consortium of Federal agencies, in carrying out recommendations of the Connecticut River Corridor Management Plan;

(9) this Act effectuates certain recommendations of the Connecticut River Corridor Management Plan that are most appropriately directed by the States through the Connecticut River Joint Commissions, with assistance from the National Park Service and United States Fish and Wildlife Service; and

(10) where implementation of those recommendations involves partnership with local communities and organizations, support for the partnership should be provided by the Secretary.

(b) **PURPOSE.**—The purpose of this Act is to authorize the Secretary to provide to the States of New Hampshire and Vermont (including communities in those States), through the Connecticut River Joint Commissions, technical and financial assistance for management of the River.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **RIVER.**—The term "River" means the Connecticut River.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(3) **STATE.**—The term "State" means—

(A) the State of New Hampshire; or

(B) the State of Vermont.

### SEC. 4. ASSISTANCE FOR STATES.

The Secretary of the Interior may provide to the States, through the Connecticut River Joint Commissions, technical and financial assistance in managing the River, including assistance in—

(1) developing a joint policy for water quality, flow management, and recreational boating for the portion of the River that is common to the States;

(2) developing protection plans for water quality in the tributaries that flow into the River;

(3) developing a coordinated, collaborative approach on the part of the States for monitoring the quality of the River for human use and ecological health;

(4) restoring and protecting priority riverbanks to improve water quality and aquatic and riparian habitat;

(5) encouraging and assisting communities, farmers, and other riverfront landowners in—

(A) establishing and protecting riparian buffers; and

(B) preventing nonpoint source pollution;

(6) encouraging and assisting communities in—

(A) protecting shoreland, wetland, and flood plains; and

(B) managing and treating stormwater runoff;

(7) in cooperation with dam owners—

(A) evaluating the decommissioning of uneconomic dams in the watershed; and

(B) restoring natural riverine habitat;

(8) protecting and restoring the habitat of native trout, anadromous fisheries, and other outstanding fish and wildlife resources;

(9) encouraging new and improved markets for local agricultural products;

(10) encouraging the protection of farm land and economically sustainable agriculture;

(11) developing and promoting locally planned, approved, and managed networks of heritage trails and water trails in the River valley;

(12) coordinating and fostering opportunities for heritage tourism and agritourism through the Connecticut River Scenic Byway;

(13) demonstrating economic development based on heritage tourism;

(14) supporting local stewardship;

(15) strengthening nonregulatory protection of heritage resources;

(16) encouraging the vitality of historically compact village and town centers;

(17) establishing indicators of sustainability; and

(18) monitoring the impact of increased tourism and recreational use on natural and historic resources.

### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. ALLARD (for himself and Mr. CRAPO):

S. 3213. A bill to amend the Internal Revenue Code of 1986 to allow an individual to designate \$3 or more on their income tax return to be used to reduce the public debt; to the Committee on Finance.

#### TAXPAYERS CHOICE DEBT REDUCTION ACT

Mr. ALLARD. Mr. President, I have introduced S. 3213. I want to take a few moments to talk about this important piece of legislation for paying down the national debt.

As the 106th Congress comes to an end, I rise to make a few comments on the evolution of an issue of great concern to myself and to many Americans. The issue is the \$5,661,548,045,674 national debt we had as of October 2, 2000.

In August of 1993, while serving in the House of Representatives, I introduced House Joint Resolution 251 with the support of a number of my colleagues. The intention of this resolution was to amend the Constitution of the United States to provide for budgetary reform by requiring the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt. During my years in the House, I had the good fortune to work with many Republican colleagues who were committed to these fiscally sound and enormously important issues.

Today, a scant 7 years later, we are enjoying unsurpassed Federal budget surpluses and the many difficulties that accompany such prosperity. I am concerned that the running dialog in Washington is far too focused on today's spending, today's enormous Federal programs, today's immediate

wants and needs. I am concerned that we are talking too much about spend today and not enough about the consequences of tomorrow. As we conclude the appropriations process, it is apparent that many Members of this body are eager to transform the Federal budget surplus into new Federal spending, creating more Federal programs that will begat future obligations.

I am primarily concerned that efforts to recklessly spend every nickel of the taxpayers' money will threaten the long-term fiscal health of our Nation, the Nation our children and grandchildren will inherit. The majority of my colleagues on this side of the aisle are focusing on returning the surplus to its rightful owners—the American people.

In recent months, the current administration has taken a hardline against tax cuts, making it clear that the President believes the Federal budget surplus belongs to Washington and not the hard-working men and women who send far more money to the Internal Revenue Service than they often save for retirement, college, or for buying a home.

I find it frustrating and the height of arrogance to assume that the Federal Government can do more with this money than the taxpayers. So many of my Republican colleagues have such a profound conviction regarding returning the money to the working man and woman that, in fact, they have been hesitant to engage in development of a comprehensive long-term debt repayment plan.

I have come to the floor before, and I will come to the floor again, to make clear what is required to manage the national debt in a comprehensive repayment strategy. The sheer enormity of the national debt demands such diligence. I admit that I have no desire to increase the growth of the Federal Government instead of paying down the debt. I am, as many of my colleagues, however, personally committed to cutting taxes.

I have come to the floor today for no other reason than to make one thing crystal clear: We can pay down the debt and cut taxes. It is not an either/or proposition. It takes planning, and it takes commitment. It takes a plan to repay the debt and a commitment to cut taxes and the discipline to refrain from pouring ever more money into newer or larger programs.

At the end of fiscal year 1999, the gross Federal budget was \$5,656,270,901,615 and at the end of fiscal year 2000, the gross Federal budget was \$5,674,178,209,886.

Our past fiscal irresponsibilities have created this overwhelming mess, and an unpleasant task lies before us. For the health and well-being of our national economy and the future security of our young people, we must commit to the elimination of this debt.

The journey of 5½ trillion miles begins with a single step. Early in the 106th Congress, I introduced the American Debt Repayment Act. A year

later, I followed that legislation with the American Social Security Protection and Debt Repayment Act. I believe each of these bills provided a sensible first step toward debt repayment and the 5 trillion steps to follow.

Both pieces of legislation suggested we treat the Federal debt just as every American treats the largest purchase they will ever make. That is their home. In February of this year, I came to the floor with my friends, GEORGE VOINOVICH, ROD GRAMS and MIKE ENZI, with an amortization schedule for debt repayment to be offered to the budget resolution. Just as any American home buyer would amortize the purchase of their home with a mortgage, we offered a dutiful and moderate restriction on Federal spending combined with a specific debt repayment schedule. Our amendment was defeated. I believe the chief reason for the defeat of the amendment was the fear of being locked into a long-term repayment plan that would prohibit future tax cuts. The July 2000 budget economic and outlook update by the Congressional Budget Office disputes this understandable fear.

According to the CBO, assuming spending is frozen at fiscal year 2000 levels, the next 10 years will yield an on-budget surplus of \$3.4 trillion. If this Congress had exercised some discipline this year and appropriated within a freeze, the on-budget surplus in fiscal year 2001, which we have just begun, is projected to be \$116 billion.

One criticism of the long-term debt amortization plan that I brought to the floor was that it would prevent tax cuts and tie the hands of appropriators by absorbing all of the surplus. My most recent plan simply dedicates \$15 billion of on-budget surplus to debt repayment and adds \$15 billion each year thereafter. The sum total after 10 years of structured debt repayment is \$825 billion from on-budget surplus.

This repayment schedule would have left \$2.6 trillion remaining for tax cuts and new spending over the next 10 years.

It is important to note that these numbers do not take into account the off-budget surplus created by Social Security. I have said on the floor many times before that paying down the national debt is one of the best ways to provide long-term fiscal stability to Social Security.

In the past, I proposed restricted use of the Social Security surplus to help pay down the debt. This not only provides for the future stability of Social Security by paying down the debt but protects Social Security money from Federal discretionary spending.

Social Security surplus money should be used for debt repayment only until such time as Congress can initiate sensible reform to preserve the long-term integrity of Social Security. Social Security reform has been a priority of this Congress, and we can act to reduce the debt and reform this important program in one commitment.

When the new Congress convenes in 2001, I intend to continue to work with my colleagues on developing a sensible and concrete debt repayment plan. I am also interested in working with my colleagues on other innovative ways to reduce the national debt. Legislation was recently introduced in the House, and I am pleased to come to the floor today on behalf of myself and the Senator from Idaho, Mr. CRAPO, to introduce the Taxpayers Choice Debt Reduction Act.

Every year, millions of taxpaying Americans have the opportunity to designate on their tax form a \$3 contribution to the Presidential Election Campaign Fund. This checkoff on all 1040 forms would allow for the taxpayers themselves to designate that \$3, or \$6 for joint filers, would be dedicated to a special Department of the Treasury account to pay down the national debt.

Checking the box on the tax document would not increase the amount of taxes to be paid, nor would it decrease any refund. Checking "yes" in this box would simply provide a directive from the taxpayer that 3 of the dollars they were paying in taxes be used solely to pay down the Nation's debt. Importantly, these funds would be beyond any money set aside by Congress for debt reduction.

In my annual town meetings around the State of Colorado, I often speak with my constituents over the enormous debt owed by this country. I can say with great confidence that this is an issue where the public desires action. It is my hope that with this legislation Congress will empower these concerned taxpayers to act on their impulse to eliminate the debt.

Before I yield the floor, I extend my thanks to all of my Senate colleagues who have expressed an interest in debt repayment during this Congress, particularly Senators VOINOVICH, ENZI, GRAMS of Minnesota, CRAPO, REID of Nevada, and FEINGOLD. I have enjoyed working with each of these Members over the course of the year as we have brought debt repayment amendments to the floor. I look forward to continuing to work on this important issue with my colleagues.

Mr. GREGG (for himself and Mr. HARKIN):

S. 3214. A bill to amend the Assets for Independence Act (Title IV of the Community Opportunities, Accountability, and Training and Educational Services Act of 1998) to enhance program flexibility, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ASSETS FOR INDEPENDENCE ACT AMENDMENTS  
OF 2000

Mr. GREGG. Mr. President, in his 1991 book "Assets and the Poor: a New American Welfare Policy," Washington University Professor Michael Sherraden argues that people move forward economically through savings and investment, not through spending and

consumption. Owning assets gives people a stake in the future—a reason to save, to dream, and to invest time, effort and resources in creating a future for themselves and their children. As Sherraden puts it, "income may feed people's stomachs, but assets change their heads."

I am pleased today to be joined by Senator HARKIN in introducing legislation designed to further promote innovative asset-building strategies for the poor.

Over the past two years, asset-building strategies have gained widespread, bi-partisan support at both the federal and state levels. Legislation has been introduced and laws have been enacted to develop and promote Individual Development Accounts (IDAs) among low income Americans. IDAs reward the monthly savings of working poor families who are trying to buy their first home, pay for post secondary education, or start a business.

In some respects, IDAs are like Individual Retirement Accounts for the working poor. IDAs are dedicated savings accounts that can be used for purchasing a first home, paying for post-secondary education, or capitalizing business. These investments are associated with extremely high rates of return that have the potential to bring a new level of economic and personal security to families and communities. Participants also are able to make emergency withdrawals in limited circumstances and must pay back such withdrawals within 12 months.

The individual or family deposits whatever dollar amount they can save (typically \$5 to \$20 a month) into the account. The sponsoring organization matches that deposit with funds provided by local churches and service organizations, corporations, foundations, and state or local governments. The sponsoring organization determines the ratio at which they will match an individual's contribution (not less than \$0.50 and not more than \$4 for every \$1).

In 1998, Congress enacted legislation entitled the "Assets for Independence Act". This Act established a five year demonstration program to determine the social, civic, psychological and economic effects that individual development account, IDA, savings accounts can have on low income individuals and their families. The assets for independence demonstration program is presently the largest source of federal funding for individual development accounts.

The intent of this demonstration program is to encourage participants to develop and reinforce strong habits for saving money. To assist this, sponsor organizations provide participating individuals and families intensive financial counseling and counseling to develop investment plans for education, home ownership, and entrepreneurship. In addition, participating welfare and low-income families build assets whose high return on investment has the capacity for propelling them into independence and stability.

The community also benefits from the significant return on investment in IDAs: we expect welfare rolls to be reduced, tax receipts to increase, employment to increase, and local enterprises and builders can expect local businesses to benefit from increased activity. Neighborhoods will be rejuvenated as new micro-enterprises and increased home renovation and building drive increased employment and community development.

In fact, it is estimated that an investment of \$125 million in assert building through these individual accounts will generate 7,050 new businesses, 68,799 new jobs, \$730 million in additional earnings, 12,000 new or rehabilitated homes, \$287 million in savings and matching contributions and earnings on those accounts, \$188 million in increased assets for low-income families, 6,600 families removed from welfare rolls, 12,000 youth graduates from vocational education and college programs, 20,000 adults obtaining high school, vocational, and college degrees.

IDA programs currently exist in about 250-300 communities, with another 100 in development. Overall, at least 10,000 people are currently saving in an IDA and another 30,000-40,000 are expected to be reached by the year 2003. All but three states have IDA programs in their states or mechanisms in place to permit the start up of an IDA program.

The field of economic development has rapidly changed over the course of the last few years, and as a result, those administering IDAs on a national basis have sought to work within the structure defined by Congress. Unfortunately, because of changes in the field and certain unforeseen difficulties with the implementation of the demonstration in its current form, we have been asked to consider making a handful of technical changes that will help with program administration and make the program run more consistently and effectively.

Those changes include: (1) changing the legal accounting structure of IDAs; (2) expanding the potential field of grantees to include low-income credit unions and community development financial institutions; (3) providing additional flexibility for withdrawals from IDA accounts for the purchase of a home; (4) expanding the availability of funds for economic literacy training; and (5) adding a Federal poverty measure to the current eligibility criteria; and (6) making the AFIA and TANF Individual Development Account programs consistent with respect to the treatment of funds for purposes of determining eligibility for Federal programs based on need.

These are modest but needed changes in the law that will help Federal IDA programs function more as originally intended. I urge their adoption.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### ASSETS FOR INDEPENDENCE ACT AMENDMENTS OF 2000—SECTION-BY-SECTION SUMMARY

NOTE: Except where otherwise specified, references in this summary to provisions of law are references to provisions of the Assets for Independence Act (the Act), title IV of the Community Opportunities, Accountability, and Training and Educational Services Act of 1998.

#### SEC. 2. MATCHING CONTRIBUTIONS UNAVAILABLE FOR EMERGENCY WITHDRAWALS.

This section amends section 404(5)(A) (which defines the term "Individual Development Account" (IDA) and specifies required IDA elements), in clause (v), to eliminate language which permits use of matching contributions by the qualified entity serving as IDA trustee for emergency withdrawals. As amended, clause (v) would permit use of matching contributions only for qualified expenses (as defined in section 404(8)). The amendment would eliminate the inconsistency between section 404(5)(A)(v) as currently drafted and section 404(3), which defines the term "emergency withdrawal" to mean a withdrawal by the eligible individual of some or all of the funds deposited by that individual for specified emergency situations.

#### SEC. 3. ADDITIONAL QUALIFIED ENTITIES.

This section amends section 404(7) (the definition of "qualified entity") to expand the category of entities eligible to operate IDA programs under the Act to include low-income credit unions (as designated by the National Credit Union Administration) and organizations designated as community development financial institutions by the Secretary of the Treasury (or the Community Development Financial Institutions Fund) that can demonstrate a collaborative relationship with a community-based organization.

#### SEC. 4. HOME PURCHASE COSTS.

Section 4(a) amends section 407(8)(B) (which includes the purchase of a first home in the definition of "qualified expenses" for which IDA funds can be withdrawn by the participant) to increase the purchase price limit to 120 percent of the average area purchase price for such a residence.

#### SEC. 5. INCREASED SET-ASIDE FOR ECONOMIC LITERACY TRAINING AND ADMINISTRATIVE COSTS.

Section 5 amends section 407(c)(3) by increasing from 9.5 percent of 15 percent the amount of funds that grantee organizations may use to provide economic literacy training and other administrative functions. Of this amount, not more than 7.5 percent may be used for administrative functions.

#### SEC. 6. ALTERNATIVE ELIGIBILITY CRITERIA.

This section amends section 408(a) (which sets forth IDA participation criteria) by adding an additional criteria for eligibility as an IDA program participant. Under this amendment, an individual with an income less than 200% of the poverty line (as defined by OMB), would be eligible to participate.

#### SEC. 7. REVISED ANNUAL PROGRESS REPORT DEADLINE.

Section 7 amends Section 412 © which currently requires the first Annual Progress Report to be delivered not later than 60 days after the end of the calendar year. This amendment would require the first report to be delivered not later than 60 days after the end of the project year.

#### SEC. 8. REVISED INTERIM EVALUATION REPORT DEADLINE.

This section amends section 414(d) which currently requires the first interim evalua-

tion to be delivered not later than 90 days after the end of the calendar year in which the Secretary first authorizes a demonstration project. This amendment would require the first interim evaluation to be delivered not later than 90 days after the end of the project year.

#### SEC. 9. INCREASED APPROPRIATIONS FOR EVALUATION EXPENSES.

The section amends section 414(e) (which sets forth the amount the Secretary may set aside to evaluate the IDA program) by changing from 2% to not more than \$500,000 the amount of IDA appropriations set aside for such evaluation.

#### SEC. 10. NO REDUCTION IN BENEFITS.

This section strikes section 415 which pertains to the treatment of funds deposited in IDA accounts for purposes of determining eligibility for Federal or federally assisted program based on need and replaces it with similar language found in P.L. 104-193, the TANF block grant. Currently, only funds contributed into an IDA by a sponsoring organization are disregarded for purposes of determining eligibility for federal needs tested programs. With this change, both an individual's own contributions and the contributions made on behalf of an individual by a sponsoring organization will be disregarded for this purpose.

By Mr. HARKIN:

S. 3215. A bill to amend the Public Health Service Act to reauthorize women's health research award programs conducted through the National Institutes of Health; to the Committee on Health, Education, Labor, and Pensions.

#### WOMEN'S HEALTH RESEARCH CAREER ENHANCEMENT ACT

Mr. HARKIN. Mr. President, I am pleased to introduce today the Women's Health Research Career Enhancement Act of 2000. This legislation addresses a critical shortage of qualified clinician researchers available to investigate the diseases and conditions that primarily affect women.

As the brother of two sisters lost to breast cancer and the father of two daughters, I know first-hand the importance of making women's health initiatives a top priority. More can and must be done to guarantee that women have the quality care they deserve. This includes making sure that qualified researchers are out there leading the search for cures and treatments.

In 1985, the United States Public Health Task Force on Women's Health Issues concluded that women's health care was getting short shrift by the lack of research focus on women's health concerns. Since then we have made good progress to expand women's health research, but more needs to be done.

In 1990, the U.S. General Accounting Office (GAO) found that the National Institutes of Health (NIH) had been slow and ineffective in implementing a policy to include women in research study populations. At the urging of myself and others, and in response to passage of the NIH Revitalization Act of 1993, the NIH began to take more comprehensive measures to increase research on health problems affecting women.

And more recently, at my request, along with Senators OLYMPIA SNOWE and BARBARA MIKULSKI, and Representative HARRY WAXMAN (D-CA), the GAO published a report last May assessing the NIH's progress on conducting research on women's health in the past decade. The GAO's report found that while NIH has made significant progress in implementing a strengthened policy on including women in clinical research, they have failed to fully analyze clinical data on women's health.

It is clear we can and must do more to advance a comprehensive women's health agenda.

A growing body of evidence is emerging that demonstrates significant differences between men and women and how they get sick and how they react to potential treatments. Women and men metabolize food, alcohol, medication and environmental toxins differently.

And certain diseases and conditions disproportionately affect women. For example, women comprise 80% of those suffering from osteoporosis. Seventy-five percent of those afflicted with autoimmune diseases are women. And although we have made significant progress, we are still fighting the terrible epidemic of breast cancer in this country, a disease that strikes 1 out of every 8 American women.

Women everywhere will benefit through more and better scientific research on the diseases and conditions that affect them. And our scientific enterprise will reap maximum returns when it involves teams of investigators with expertise in various disciplines. A comprehensive, targeted approach is necessary to develop a multi-disciplinary cadre of researchers with the interest and expertise to broaden the field of women's health research.

In addition, mentoring between junior and senior scientists is important to promoting an inclusive and diverse research environment. Mentoring relationships can lead to the retention and advancement of talented scientists from all segments of the population and enhance our investment in medical research.

Mr. President, my legislation authorizes two important initiatives to expand the number of qualified investigators in women's health research by providing improved career development opportunities through the National Institutes of Health (NIH):

First, the Building Interdisciplinary Research Careers in Women's Health Program—will support the career development of junior women's health scientists by providing new opportunities to improve their research skills in interdisciplinary settings. The NIH, through the Office of Research on Women's Health, will provide grants to research institutions to pair junior investigators with seasoned senior investigators, who will mentor them for 2-5 years.

Second, the Women's Reproductive Health Research Career Development

Centers—will help build the next generation of investigators in obstetrics and gynecology by giving clinicians the experience they need to become women's health scientists. The NIH, through the National Institute of Child Health and Human Development and the Office of Research on Women's Health, will provide grants to research institutions and hospitals for the training of new women's health researchers.

The Women's Reproductive Health Research Career Development Centers program and the Building Interdisciplinary Research Careers in Women's Health grant program have already stimulated women's health research across a variety of disciplines. Authorizing and expanding these programs will speed breakthroughs in women's health research by building and improving the network of scientific investigators expert in the diseases and conditions that affect women.

Mr. President, I have a long tradition of supporting research and specifically women's health research both as Chairman and now Ranking Member of the Senate Labor, Health and Human Services and Education Appropriations Subcommittee. This year we will provide an unprecedented, \$2.7 billion increase for the National Institutes of Health, keeping us well on track towards our goal of doubling the NIH budget over 5 years.

But all the funding in the world will do us no good if we don't have talented investigators ready and able to take on the challenge of finding the cures and treatments for the diseases that afflict us. We must do more to make sure we grow and strengthen a diverse network of our best and brightest clinicians and scientists to keep pace with our increased investment in medical research. The bill I am introducing today will help to do just that. It has the support of the National Institutes of Health, the Society for Women's Health Research, the Women's Health Research Coalition and the American College of Obstetricians and Gynecologists. I urge my colleagues to support this important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3215

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Health Research Career Enhancement Act of 2000".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Public Health Service's Task Force on Women's Health Issues concluded in 1985 that women's health care was compromised by the lack of research focus on women's health concerns. Since then, progress has been made to expand women's health research, but more can be done to strengthen our nation's capacity to aggressively investigate the diseases and conditions primarily affecting women.

(2) A growing body of evidence demonstrates dramatic differences between women's and men's biology, including symptoms of disease, mechanism of disease and responses to treatment.

(3) Women and men differ in disease presentation and treatment outcomes of coronary heart disease. Women comprise 80 percent of the population suffering from osteoporosis. Women comprise 75 percent of those afflicted with autoimmune diseases. Women and men metabolize food, alcohol, medication, and atmospheric toxins differently.

(4) Scientific research will reap maximum returns when it involves teams of investigators with expertise in various disciplines. A comprehensive, targeted effort is necessary to develop a multi-disciplinary cadre of researchers with the interest and expertise to develop the field of gender based health research so that it has the greatest impact on all women and men.

(5) Mentoring between junior and senior scientists is vitally important to promoting an inclusive and diverse research environment, leading to the retention and advancement of talented scientists from all segments of the population and enhancing the nation's investment in treatments and cures for the diseases and conditions that affect Americans.

(6) The Women's Reproductive Health Research Career Development Centers and the Building Interdisciplinary Research Careers in Women's Health grant programs have stimulated women's health research across a variety of disciplines.

(7) Expanding the initiatives described in paragraph (6) will speed breakthroughs in women's health research by building and improving the network of scientific investigators who are experts in the diseases and conditions that affect women.

#### SEC. 3. BUILDING INTERDISCIPLINARY RESEARCH CAREERS IN WOMEN'S HEALTH.

Part A of title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

#### "SEC. 310A. BUILDING INTERDISCIPLINARY RESEARCH CAREERS IN WOMEN'S HEALTH.

"(a) PURPOSE.—It is the purpose of the section to provide funding to enable the Director of the Office of Research on Women's Health, in coordination with the Director of the National Institute of Child Health and Human Development and other Institutes and centers of the National Institutes of Health, to carry out the Building Interdisciplinary Research Careers in Women's Health program (as authorized under section 301) to support the career development of scientists who are commencing basic, translational, clinical, behavioral or health services research relevant to women's health in an interdisciplinary scientific setting.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2006 to enable the Director of the Office of Research on Women's Health to carry out program described in subsection (a).

"(c) REQUIREMENTS FOR GRANTS.—

"(1) ELIGIBILITY.—In making awards under the program described in subsection (a), the Director of the Office of Research on Women's Health, acting through the Director of the National Institute of Child Health and Human Development and other Institutes and centers of the National Institutes of Health, shall, with respect to an institution, consider—

"(A) domestic profit and nonprofit, non-Federal, public or private organizations;

“(B) the extent to which the institution has the clinical specialties and subspecialties, and the clinical and research facilities, sufficient to meet the objective of the program of bridging clinical or post-doctoral training with a career in interdisciplinary research relevant to women’s health; and

“(C) other factors determined appropriate by the Directors.

“(2) **RULE OF CONSTRUCTION.**—With respect to the program described in subsection (a), nothing in this subsection shall be construed to prohibit the application by the Director of the Office of Research on Women’s Health of eligibility or other requirements, including requirements applied to applicants under such program in the fiscal year prior to the date of enactment of this section.”.

**SEC. 3. WOMEN’S REPRODUCTIVE HEALTH RESEARCH CAREER DEVELOPMENT CENTERS.**

Part A of title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 3, is further amended by adding at the end the following:

**“SEC. 310B. WOMEN’S REPRODUCTIVE HEALTH RESEARCH CAREER DEVELOPMENT CENTERS.**

“(a) **PURPOSE.**—It is the purpose of this section to provide for the funding of Women’s Reproductive Health Research Career Development Centers to enable the Director of the National Institute of Child Health and Human Development, in collaboration with the Director of the National Institutes of Health, to—

“(1) assist in improving the health of women and infants by training new researchers in reproductive health science;

“(2) address concerns raised in a recent study by the National Research Council about the declining number of physician-investigators; and

“(3) provide newly trained obstetric-gynecologic clinicians with training and support, through the Women’s Reproductive Health Research Career Development Centers, to assist in such clinicians in their pursuit of research careers to address problems in women’s obstetric and gynecologic health.

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2006 to enable the Director of the National Institute of Child Health and Human Development to fund Women’s Reproductive Health Research Career Development Centers for the purposes described in subsection (a).

“(c) **RULE OF CONSTRUCTION.**—With respect to the program described in subsection (a), nothing in this section shall be construed to prohibit the application by the Director of the National Institute of Child Health and Human Development of eligibility or other requirements, including requirements applied to applicants under such program, in the fiscal year prior to the date of enactment of this section.”.

Mr. CRAIG (for himself and Mr. BAUCUS):

S. 3216. A bill to provide for review in the Court of International Trade of certain determinations of binational panels under the North American Free Trade Agreement; to the Committee on Finance.

**INTEGRITY OF THE U.S. COURTS ACT**

Mr. CRAIG. Mr. President, I rise to introduce important legislation designed to correct a fundamental flaw within the North American Free Trade Agreement (NAFTA) dispute resolution mechanism, known as Chapter 19. As many of my colleagues are aware,

Chapter 19 has revealed itself to be unacceptable in its current form. The Integrity of the U.S. Courts Act, that I introduce today with my colleague Mr. BAUCUS, is necessary to make certain bilateral dispute resolution decisions from the NAFTA are made pursuant to U.S. trade laws.

At present, antidumping and countervailing duty determinations made by NAFTA members are appealed to ad hoc panels of private individuals, instead of impartial courts created under national constitutions. These panels are supposed to apply the same standard of review as a U.S. court in order to determine whether a decision is supported by substantial evidence on the agency record, and is otherwise in accordance with the law. This standard requires that the agency’s factual findings and legal interpretations be given significant deference. Unfortunately, in spite of the panels’s mandate, they all too often depart from their directive and fail to ensure that the correct standard of review is applied.

The Integrity of the U.S. Courts Act would permit any party to a NAFTA dispute involving a U.S. agency decision to remove appellate jurisdiction from the Extraordinary Challenge Committees (ECC) to the U.S. Court of International Trade. Doing so would resolve some of the constitutional issues raised by the Chapter 19 system, expedite resolution of cases, and ensure conformity with U.S. law.

The infirmities of Chapter 19 are real, and have been problematic from the beginning. The Justice Department, the Senate Finance Committee, and other authorities are on record of having expressed serious concern about giving private panelists—sometimes a majority of whom are foreign nationals—the authority to issue decisions about U.S. domestic law that have the binding force of law. These appointed panelists, coming from different legal and cultural disciplines and serving on an ad hoc basis, do not necessarily have the interest that unbiased U.S. courts have in maintaining the efficacy of the laws, as Congress wrote them.

One of the most egregious examples of the flaws of Chapter 19 is reflected in a case from early in this process, reviewing a countervailing duty finding that Canadian lumber imports benefits from enormous subsidies. Three Canadian panelists outvoted two leading U.S. legal experts to eliminate the countervailing duty based on patently erroneous interpretations of U.S. law—interpretations that Congress had expressly rejected only months before. Two of the Canadian panelists served despite undisclosed conflicts of interest. The matter was then argued before a Chapter 19 appeals committee, and the two committee members outvoted the one U.S. member to once again insulate the Canadian subsidies from U.S. law.

The U.S. committee member was Malcolm Wilkey, the former Chief Judge of the Federal Court of Appeals

for the D.C. circuit, and one of the United States’ most distinguished jurists. In his opinion, Judge Wilkey wrote that the lumber panel decision “may violate more principles of appellate review of agency action than any opinion by a reviewing body which I have ever read.” Judge Wilkey and former Judge Charles Renfrew (Also a chapter 19 appeals committee member) have since expressed serious constitutional reservations about the system. While some have claimed that Chapter 19 decides many cases well, its inability to resolve appropriately large disputes, and its constitutional infirmity, demand a remedy.

It is clear that the time is long past due to remedy Chapter 19. From the outset, the NAFTA agreement contemplated that given the sensitive and unusual subject matter, signatories might have to alter their obligations under Chapter 19. The Integrity of the U.S. Courts Act is a reasonable solution to a serious problem.

I urge my colleagues to join Senator BAUCUS and me in our effort to fix this problem that is unfairly harming American industry, and more important, the U.S. Constitution. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3216

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Integrity of the United States Courts Act of 2000”.

**SEC. 2. JUDICIAL REVIEW OF BINATIONAL PANEL DECISIONS.**

(a) **IN GENERAL.**—Subtitle A of title IV of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3431 et seq.) is amended by inserting after section 404 the following new section:

**“SEC. 404A. REVIEW OF BINATIONAL PANEL DETERMINATIONS.**

“(a) **BASIS FOR REVIEW IN COURT OF INTERNATIONAL TRADE.**—

“(1) **IN GENERAL.**—If, within 30 days after publication in the Federal Register of notice that a binational panel has issued a determination following a review under article 1904 of a decision of a competent investigating authority in the United States, a party or person within the meaning of paragraph 5 of article 1904 alleges that—

“(A)(i) the determination of the panel was based on a misinterpretation of United States law;

“(ii) a member of a panel was guilty of a gross misconduct, bias, or a serious conflict of interest, or otherwise materially violated the rules of conduct,

“(iii) the panel seriously departed from a fundamental rule of procedure, or

“(iv) the panel manifestly exceeded its powers, authority, or jurisdiction set out in article 1904, as in failing to apply the appropriate standard of review, and

“(B) any of the actions described in subparagraph (A) has materially affected the panel’s decision and threatens the integrity of the binational panel review process, then such party or person may file an appeal with the United States Court of International Trade, seeking review of the binational panel determination, pursuant to section 516A of the Tariff Act of 1930.



“(2) REVIEW IN COURT OF INTERNATIONAL TRADE WHERE BINATIONAL PANEL DOES NOT ACT.—If a request for a panel review has been made under article 1904 and a panel is not convened within 315 days of the request, the Party requesting the panel review or person within the meaning of paragraph 5 of article 1904 may file an appeal of the antidumping or countervailing duty determination with respect to which the request was filed with the United States Court of International Trade.

“(b) DECISIONS OF THE COURT.—

“(1) IN GENERAL.—In any appeal filed under subsection (a)(1) for review of a binational panel determination, the Court of International Trade shall, after examining the legal and factual analysis underlying the findings and conclusions of the panel’s decision, determine whether any of the actions described in subsection (a)(1)(A) has been established. If the court finds that any of those actions has been established, the court shall vacate the original panel decision and enter judgment accordingly. If the actions are not established, the court shall affirm the original binational panel decision. Decisions of the Court of International Trade under this section shall be binding on the parties with respect to the matters between the parties that were before the panel.

“(2) DECISIONS WHERE PANEL NOT CONVENED.—In the case of an appeal filed under subsection (a)(2) for review of a determination of a competent investigating authority, the Court of International Trade shall, after examining the legal and factual analysis underlying the findings and conclusions of the investigating authority’s determination, determine whether the determination was made in accordance with article 1904. If the court finds that the determination was not in accordance with article 1904 or is not supported by the legal and factual analysis, the court shall vacate the investigating authority’s determination and enter judgment accordingly. If the court finds that the determination was in accordance with article 1904 and is supported by the legal and factual analysis, the court shall affirm the investigating authority’s determination. Decisions of the Court of International Trade under this section shall be binding on the parties with respect to the matters between the parties that would have been before a panel had the panel been convened.

“(c) EXCLUSIVE JURISDICTION.—If a party or person within the meaning of paragraph 5 of article 1904 timely files a notice of appeal to the Court of International Trade pursuant to this section, then jurisdiction exclusively resides with the United States Court of International Trade, and such determinations are not subject to review by an extraordinary challenge committee under paragraph 13 of article 1904.

“(d) APPLICABILITY.—Subsections (a)(1), (b)(1), and (c) apply to all goods from NAFTA countries which were subject to an antidumping duty or countervailing duty determination of a competent investigating authority in the United States.”.

(b) CONFORMING AMENDMENT.—The table of contents of the North American Free Trade Implementation Act is amended by inserting after the item relating to section 404 the following:

“Sec. 404A. Review of binational panel determinations.”.

### SEC. 3. JURISDICTION OF THE COURT OF INTERNATIONAL TRADE.

Section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)(i)(I), by striking “or (viii)” and inserting “(viii), (ix), or (x)”; and

(B) in subparagraph (B), by adding at the end the following:

“(ix) A final determination of a binational panel convened pursuant to article 1904 of the NAFTA.

“(x) A final determination of an investigating authority described in section 404A(a)(2) of the North American Free Trade Agreement Implementation Act.”;

(2) in subsection (a)(5), in the matter preceding subparagraph (A), by inserting “(other than a determination described in subsection (g)(3)(A)(vii))” after “apply”; and

(3) in subsection (g)(3)(A)—

(A) in clause (v), by striking “or” at the end;

(B) in clause (vi), by striking the period and inserting “, or”; and

(C) by adding at the end the following:

“(vii) a determination of which either a party or person within the meaning of paragraph 5 of article 1904 of the NAFTA has requested review pursuant to section 404A of the North American Free Trade Agreement Implementation Act.”.

### SEC. 4. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act, the amendments made by this Act shall apply with respect to goods from Canada and Mexico.

### SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to any final determination of a binational panel convened pursuant to article 1904 of the North American Free Trade Agreement or to a final determination of a competent investigating authority with respect to which section 404A(a)(2) of the North American Free Trade Agreement Implementation Act applies, notice of which is published in the Federal Register on or after the date of enactment of this Act.

## ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 922, a bill to prohibit the use of the “Made in the USA” label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1536

At the request of Mr. DEWINE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1822

At the request of Mr. MCCAIN, the name of the Senator from Washington

(Mr. GORTON) was added as a cosponsor of S. 1822, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child’s congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 2068

At the request of Mr. GREGG, the name of the Senator from Wyoming (Mr. ENZI) was withdrawn as a cosponsor of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2341

At the request of Mr. GREGG, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2341, a bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

S. 2393

At the request of Mr. DURBIN, the names of the Senator from Nevada (Mr. REID) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2393, a bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes.

S. 2440

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 2440, a bill to amend title 49, United States Code, to improve airport security.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2699

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2699, a bill to strengthen the authority of the Federal Government to protect individuals from certain acts and practices in the sale and purchase of social security numbers and social security account numbers, and for other purposes.

S. 2726

At the request of Mr. HELMS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2726, a bill to protect United States military personnel and other elected and appointed officials of the United States Government against



criminal prosecution by an international criminal court to which the United States is not a party.

S. 2773

At the request of Mr. FEINGOLD, the names of the Senator from Minnesota (Mr. GRAMS), the Senator from Vermont (Mr. LEAHY), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 2773, a bill to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

S. 2938

At the request of Mr. BROWNBACKE, the names of the Senator from Maine (Ms. SNOWE), the Senator from Louisiana (Mr. BREAUX), the Senator from Nevada (Mr. REID), the Senator from Missouri (Mr. BOND), the Senator from Rhode Island (Mr. REED), the Senator from North Carolina (Mr. EDWARDS), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 2964

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2964, a bill to amend the Internal Revenue Code of 1986 to provide new tax incentives to make health insurance more affordable for small businesses, and for other purposes.

S. 3009

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3072

At the request of Mr. GRAMS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3072, a bill to assist in the enhancement of the development of expansion of international economic assistance programs that utilize cooperatives and credit unions, and for other purposes.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Alaska (Mr. STEVENS), the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from North Dakota (Mr. DORGAN), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a tem-

porary education center at the Vietnam Veterans Memorial

S. 3127

At the request of Mr. SANTORUM, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 3127, a bill to protect infants who are born alive

S. 3145

At the request of Mr. BREAUX, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 3145, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment under the tax-exempt bond rules of prepayments for certain commodities

S. 3152

At the request of Mr. ROTH, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3169

At the request of Mr. SESSIONS, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 3169, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Internal Revenue Code of 1986 with respect to drugs for minor animal species, and for other purposes.

S. 3175

At the request of Mr. CRAIG, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 3175, a bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes.

S. 3180

At the request of Mr. EDWARDS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 3180, a bill to provide for the disclosure of the collection of information through computer software, and for other purposes.

S. 3181

At the request of Mr. HAGEL, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Virginia (Mr. WARNER), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

S. 3198

At the request of Mr. JEFFORDS, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 3198, a bill to provide a pool credit under Federal milk marketing orders for handlers of certified organic milk used for Class I purposes.

S. CON. RES. 130

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 130, concurrent reso-

lution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

S. RES. 343

At the request of Mr. FITZGERALD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

S. RES. 353

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 353, a resolution designating October 20, 2000, as "National Mammography Day."

S. RES. 373

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. Res. 373, supra.

At the request of Mr. LUGAR, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Res. 373, supra.

At the request of Mr. LEVIN, his name was added as a cosponsor of S. Res. 373, supra.

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. Res. 373, a resolution recognizing the 225th birthday of the United States Navy.

S. RES. 375

At the request of Mr. LUGAR, the names of the Senator from Rhode Island (Mr. L. CHAFEE) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. Res. 375, a resolution supporting the efforts of Bolivia's democratically elected government.

SENATE RESOLUTION 378—HONORING THE MEMBERS OF THE CREW OF THE GUIDED MISSILE DESTROYER U.S.S. "COLE" (DDG-67) WHO WERE KILLED OR WOUNDED IN THE TERRORIST BOMBING ATTACK ON THAT VESSEL IN ADEN, YEMEN, ON OCTOBER 12, 2000, EXPRESSING THE SYMPATHIES OF THE SENATE TO THE FAMILIES OF THOSE CREW MEMBERS, COMMENDING THE SHIP'S CREW FOR THEIR HEROIC DAMAGE CONTROL EFFORTS, AND CONDEMNING THE BOMBING OF THAT SHIP

Mr. WARNER (for himself, Mr. LEVIN, Mr. THURMOND, Mr. KENNEDY, Mr. MCCAIN, Mr. BYRD, Mr. SMITH of New Hampshire, Mr. ROBB, Mr. INHOFE, Mr. LIEBERMAN, Mr. SANTORUM, Mr. CLELAND, Ms. SNOWE, Ms. LANDRIEU, Mr. ROBERTS, Mr. REED, Mr. ALLARD, Mr. HUTCHINSON, Mr. SESSIONS, Mr. BOND, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. SARBANES, Ms. MIKULSKI, Mr. KERRY, Mr. MILLER, Mr. EDWARDS, Mr.

VOINOVICH, Mr. WELLSTONE, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

## S. RES. 378

Whereas the guided missile destroyer U.S.S. COLE (DDG-67) was severely damaged on October 12, 2000, when a boat bomb exploded alongside that ship while on a refueling stop in Aden, Yemen;

Whereas the explosion resulted in a 40-by-45 foot hole in the port side of the ship at the waterline and left seven of the ship's crew dead, ten who as of October 17, 2000, are missing and presumed dead, and over three dozen wounded;

Whereas the U.S.S. COLE had stopped in Aden for routine refueling while in transit from the Red Sea to the Persian Gulf to conduct forward maritime presence operations in the Persian Gulf region as part of the U.S.S. George Washington battle group;

Whereas the members of the United States Navy killed and wounded in the bombing were performing their duty in furtherance of the national security interests of the United States;

Whereas United States national security interests continue to require the forward deployment of elements of the Armed Forces;

Whereas the members of the Armed Forces are routinely called upon to perform duties that place their lives at risk;

Whereas the crew members of the U.S.S. COLE who lost their lives as a result of the bombing of their ship on October 12, 2000, died in the honorable service to the Nation and exemplified all that is best in the American people; and

Whereas the heroic efforts of the surviving crew members of the U.S.S. COLE after the attack to save their ship and rescue their wounded shipmates are in the highest tradition of the United States Navy: Now, therefore, be it

*Resolved*, That the Senate, in response to the terrorist bombing attack on the U.S.S. COLE (DDG-67) on October 12, 2000, while on a refueling stop in Aden, Yemen, hereby—

(1) honors the members of the crew of the U.S.S. COLE who died as a result of that attack and sends heartfelt condolences to their families, friends, and loved ones;

(2) honors the members of the crew of the U.S.S. COLE who were wounded in the attack for their service and sacrifice, expresses its hopes for their rapid and complete recovery, and extends its sympathies to their families;

(3) commends the crew of the U.S.S. COLE for their heroic damage control efforts; and

(4) condemns the attack against the U.S.S. COLE as an unprovoked and cowardly act of terrorism.

**SENATE RESOLUTION 379—**  
**MEMORIALIZING THE SAILORS OF**  
**THE NAVY LOST IN THE ATTACK**  
**ON THE U.S.S. "COLE" (DDG-67)**  
**IN THE PORT OF ADEN, YEMEN,**  
**ON OCTOBER 12, 2000; EXTENDING**  
**CONDOLENCES TO THEIR FAMILIES**  
**AND OTHER LOVED ONES;**  
**EXTENDING SYMPATHY TO THE**  
**MEMBERS OF THE CREW OF**  
**THAT VESSEL WHO WERE IN-**  
**JURED IN THE ATTACK AND**  
**COMMENDING THE ENTIRE CREW**  
**FOR ITS PERFORMANCE AND**  
**PROFESSIONALISM IN SAVING**  
**THE U.S.S. "COLE"**

By Ms. SNOWE (for herself, Mr. MCCAIN, Mr. ROBB, Mr. INHOFE, Mr.

THURMOND, Mr. BOND, Ms. LANDRIEU, Mr. ROBERTS, Mr. SANTORUM, Mr. HUTCHINSON, Mr. REED, Mr. LIEBERMAN, Mr. LEVIN, Mr. KENNEDY, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

## S. RES. 379

Whereas the Arleigh Burke class destroyer U.S.S. Cole (DDG-67) was attacked in the port of Aden, Yemen, on October 12, 2000, apparently by terrorists who, by insidious ruse, drew along side the vessel in a small boat containing powerful explosives that detonated next to the hull of the vessel;

Whereas the horrific explosion in that attack resulted in the loss of 17 sailors and injury to another 39 sailors, all of them being members of the Navy serving in the crew of the U.S.S. Cole;

Whereas those sailors who lost their lives made the ultimate sacrifice in the service of the United States and the Navy;

Whereas all of the remaining members of the crew of the U.S.S. Cole responded valiantly and courageously to save their ship from sinking from the explosion and, in so doing, proved themselves to be "Determined Warriors", the motto of their ship; and

Whereas the men and women of the crew of the U.S.S. Cole, like all of the men and women of the Armed Forces, are the current patriots who stand ever vigilant against the attacks of those who seek to undermine peace and stability in an uncertain world: Now, therefore, be it

*Resolved*, That (a) the Senate memorializes those sailors of the Navy who were lost in the despicable attack on the U.S.S. Cole (DDG-67) on October 12, 2000, in the port of Aden, Yemen, as follows:

(1) Richard Costelow, Electronics Technician First Class, of Morrisville, Pennsylvania.

(2) Cherone Louis Gunn, Signalman Seaman Recruit, of Rex, Georgia.

(3) James Rodrick McDaniels, Seaman, of Norfolk, Virginia.

(4) Craig Bryan Wiberley, Seaman Apprentice, of Williamsport, Maryland.

(5) Timothy Lamont Saunders, Operations Specialist Second Class, of Ringold, Virginia.

(6) Lakiba Nicole Palmer, Seaman Recruit, of San Diego, California.

(7) Andrew Triplett, Ensign, of Macon, Mississippi.

(8) Lakeina Monique Francis, Mess Management Specialist, of Woodleaf, North Carolina.

(9) Timothy Lee Gauna, Information Systems Technician Seaman, of Rice, Texas.

(10) Ronald Scott Owens, Electronics Warfare Technician Third Class, of Vero Beach, Florida.

(11) Patrick Howard Roy, Fireman Apprentice, of Cornwall on the Hudson, New York.

(12) Kevin Shawn Rux, Electronics Warfare Technician Second Class, of Portland, North Dakota.

(13) Ronchester Manangan Santiago, Mess Management Specialist Third Class, of Kingsville, Texas.

(14) Gary Graham Swenonchis, Jr., Fireman, of Rockport, Texas.

(15) Kenneth Eugene Clodfelter, Hull Maintenance Technician Third Class, of Mechanicsville, Virginia.

(16) Mark Ian Neito, Engineman Second Class, of Fond du Lac, Wisconsin.

(17) Joshua Langdon Parlett, Engineman Fireman, of Churchville, Maryland.

(b) The Senate extends condolences to the members of the families, other loved ones, and shipmates of those devoted sailors who made the ultimate sacrifice in the service of the United States.

(c) It is the sense of the Senate that all of the people of the United States join the Chief of Naval Operations and the other members of the Navy in mourning the grievous loss of life among the members of the crew of the U.S.S. Cole resulting from the attack on that vessel.

## SEC. 2. The Senate—

(1) recognizes the loss, sacrifice, valor, and determination of the surviving members of the crew of the U.S.S. Cole;

(2) extends sympathy to the 39 sailors of that crew who were injured in the attack on their vessel; and

(3) commends the members of the crew for their remarkable performance, professionalism, skill, and success in fulfilling their duties to support and save the U.S.S. Cole following the attack.

SEC. 3. The Secretary of the Senate shall transmit an enrolled copy of this resolution to the Chief of Naval Operations, the commanding officer of the U.S.S. Cole, and the family of each member of the United States Navy who was lost in the attack on the U.S.S. Cole (DDG-67) in the port of Aden, Yemen, on October 12, 2000.

## AMENDMENTS SUBMITTED

EARTH, WIND, AND FIRE  
AUTHORIZATION ACT OF 2000

## FRIST AMENDMENT NO. 4323

Mr. SESSIONS (for Mr. FRIST) proposed an amendment to the bill (S. 1639) to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977, for the National Weather Service and Related Agencies, and for the United States Fire Administration for fiscal years 2000, 2001, and 2002; as follows:

Strike out all after the enacting clause and insert the following:

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Earthquake Hazards Reduction Authorization Act of 2000".

## SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) FEDERAL EMERGENCY MANAGEMENT AGENCY.—Section 12(a)(7) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(a)) is amended—

(1) by striking "and" after "1998", and

(2) by striking "1999." and inserting "1999; \$19,861,000 for the fiscal year ending September 30, 2001, of which \$450,000 is for National Earthquake Hazard Reduction Program-eligible efforts of an established multi-state consortium to reduce the unacceptable threat of earthquake damages in the New Madrid seismic region through efforts to enhance preparedness, response, recovery, and mitigation; \$20,705,000 for the fiscal year ending September 30, 2002; and \$21,585,000 for the fiscal year ending September 30, 2003.".

(b) UNITED STATES GEOLOGICAL SURVEY.—Section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)) is amended—

(1) by inserting after "operated by the Agency." the following: "There are authorized to be appropriated to the Secretary of the Interior for purposes of carrying out, through the Director of the United States Geological Survey, the responsibilities that may be assigned to the Director under this Act \$48,360,000 for fiscal year 2001, of which \$3,500,000 is for the Global Seismic Network and \$100,000 is for the Scientific Earthquake Studies Advisory Committee established

under section 10 of the Earthquake Hazards Reduction Act of 2000; \$50,415,000 for fiscal year 2002, of which \$3,600,000 is for the Global Seismic Network and \$100,000 is for the Scientific Earthquake Studies Advisory Committee; and \$52,558,000 for fiscal year 2003, of which \$3,700,000 is for the Global Seismic Network and \$100,000 is for the Scientific Earthquake Studies Advisory Committee;

(2) by striking "and" at the end of paragraph (1);

(3) by striking "1999," at the end of paragraph (2) and inserting "1999"; and

(4) by inserting after paragraph (2) the following:

"(3) \$9,000,000 of the amount authorized to be appropriated for fiscal year 2001;

"(4) \$9,250,000 of the amount authorized to be appropriated for fiscal year 2002; and

"(5) \$9,500,000 of the amount authorized to be appropriated for fiscal year 2003."

(c) **REAL-TIME SEISMIC HAZARD WARNING SYSTEM.**—Section 2(a)(7) of the Act entitled "An Act To authorization appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes (111 Stat. 1159; 42 U.S.C. 7704 nt) is amended by striking "1999." and inserting "1999, \$2,600,000 for fiscal year 2001, \$2,710,000 for fiscal year 2002, and \$2,825,000 for fiscal year 2003."

(d) **NATIONAL SCIENCE FOUNDATION.**—Section 12(c) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(c)) is amended—

(1) by striking "1998, and" and inserting "1998"; and

(2) by striking "1999." and inserting "1999, and (5) \$19,000,000 for engineering research and \$11,900,000 for geosciences research for the fiscal year ending September 30, 2001. There are authorized to be appropriated to the National Science Foundation \$19,808,000 for engineering research and \$12,406,000 for geosciences research for fiscal year 2002 and \$20,650,000 for engineering research and \$12,933,000 for geosciences research for fiscal year 2003."

(e) **NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.**—Section 12(d) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(d)) is amended—

(1) by striking "1998, and"; and inserting "1998"; and

(2) by striking "1999." and inserting "1999, \$2,332,000 for fiscal year 2001, \$2,431,000 for fiscal year 2002, and \$2,534,300 for fiscal year 2003."

#### SEC. 3. REPEALS.

Section 10 and subsections (e) and (f) of section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705d and 7706 (e) and (f)) are repealed.

#### SEC. 4. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

##### "SEC. 13. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

"(a) **ESTABLISHMENT.**—The Director of the United States Geological Survey shall establish and operate an Advanced National Seismic Research and Monitoring System. The purpose of such system shall be to organize, modernize, standardize, and stabilize the national, regional, and urban seismic monitoring systems in the United States, including sensors, recorders, and data analysis centers, into a coordinated system that will measure and record the full range of frequencies and amplitudes exhibited by seismic waves, in order to enhance earthquake research and warning capabilities.

"(b) **MANAGEMENT PLAN.**—Not later than 90 days after the date of the enactment of the Earthquake Hazards Reduction Authoriza-

tion Act of 2000, the Director of the United States Geological Survey shall transmit to the Congress a 5-year management plan for establishing and operating the Advanced National Seismic Research and Monitoring System. The plan shall include annual cost estimates for both modernization and operation, milestones, standards, and performance goals, as well as plans for securing the participation of all existing networks in the Advanced National Seismic Research and Monitoring System and for establishing new, or enhancing existing, partnerships to leverage resources.

##### "(c) **AUTHORIZATION OF APPROPRIATIONS.**—

"(1) **EXPANSION AND MODERNIZATION.**—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to establish the Advanced National Seismic Research and Monitoring System—

"(A) \$33,500,000 for fiscal year 2002;

"(B) \$33,700,000 for fiscal year 2003;

"(C) \$35,100,000 for fiscal year 2004;

"(D) \$35,000,000 for fiscal year 2005; and

"(E) \$33,500,000 for fiscal year 2006.

"(2) **OPERATION.**—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to operate the Advanced National Seismic Research and Monitoring System—

"(A) \$4,500,000 for fiscal year 2002; and

"(B) \$10,300,000 for fiscal year 2003."

##### SEC. 5. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

##### "SEC. 14. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

"(a) **ESTABLISHMENT.**—The Director of the National Science Foundation shall establish the George E. Brown, Jr. Network for Earthquake Engineering Simulation that will upgrade, link, and integrate a system of geographically distributed experimental facilities for earthquake engineering testing of full-sized structures and their components and partial-scale physical models. The system shall be integrated through networking software so that integrated models and databases can be used to create model-based simulation, and the components of the system shall be interconnected with a computer network and allow for remote access, information sharing, and collaborative research.

"(b) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts appropriated under section 12(c), there are authorized to be appropriated \$28,200,000 for fiscal year 2001 for the Network for Earthquake Engineering Simulation. In addition to amounts appropriated under section 12(c), there are authorized to be appropriated to the National Science Foundation for the Network for Earthquake Engineering Simulation—

"(1) \$24,400,000 for fiscal year 2002;

"(2) \$4,500,000 for fiscal year 2003; and

"(3) \$17,000,000 for fiscal year 2004."

##### SEC. 6. BUDGET COORDINATION.

Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) is amended—

(1) by striking subparagraph (A) of subsection (b)(1) and redesignating subparagraphs (B) through (F) of subsection (b)(1) as subparagraphs (A) through (E), respectively;

(2) by striking "in this paragraph" in the last sentence of paragraph (1) of subsection (b) and inserting "in subparagraph (E)"; and

(3) by adding at the end the following new subsection:

"(c) **BUDGET COORDINATION.**—

"(1) **GUIDANCE.**—The Agency shall each year provide guidance to the other Program agencies concerning the preparation of requests for appropriations for activities related to the Program, and shall prepare, in conjunction with the other Program agencies, an annual Program budget to be submitted to the Office of Management and Budget.

"(2) **REPORTS.**—Each Program agency shall include with its annual request for appropriations submitted to the Office of Management and Budget a report that—

"(A) identifies each element of the proposed Program activities of the agency;

"(B) specifies how each of these activities contributes to the Program; and

"(C) states the portion of its request for appropriations allocated to each element of the Program."

##### SEC. 7. REPORT ON AT-RISK POPULATIONS.

Not later than one year after the date of the enactment of this Act, and after a period for public comment, the Director of the Federal Emergency Management Agency shall transmit to the Congress a report describing the elements of the Program that specifically address the needs of at-risk populations, including the elderly, persons with disabilities, non-English-speaking families, single-parent households, and the poor. Such report shall also identify additional actions that could be taken to address those needs and make recommendations for any additional legislative authority required to take such actions.

##### SEC. 8. PUBLIC ACCESS TO EARTHQUAKE INFORMATION.

Section 5(b)(2)(A)(ii) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(2)(A)(ii)) is amended by inserting ", and development of means of increasing public access to available locality-specific information that may assist the public in preparing for or responding to earthquakes" after "and the general public".

##### SEC. 9. LIFELINES.

Section 4(6) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7703(6)) is amended by inserting "and infrastructure" after "communication facilities".

##### SEC. 10. SCIENTIFIC EARTHQUAKE STUDIES ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—The Director of the United States Geological Survey shall establish a Scientific Earthquake Studies Advisory Committee.

(b) **ORGANIZATION.**—The Director shall establish procedures for selection of individuals not employed by the Federal Government who are qualified in the seismic sciences and other appropriate fields and may, pursuant to such procedures, select up to ten individuals, one of whom shall be designated Chairman, to serve on the Advisory Committee. Selection of individuals for the Advisory Committee shall be based solely on established records of distinguished service, and the Director shall ensure that a reasonable cross-section of views and expertise is represented. In selecting individuals to serve on the Advisory Committee, the Director shall seek and give due consideration to recommendations from the National Academy of Sciences, professional societies, and other appropriate organizations.

(c) **MEETINGS.**—The Advisory Committee shall meet at such times and places as may be designated by the Chairman in consultation with the Director.

(d) **DUTIES.**—The Advisory Committee shall advise the Director on matters relating to the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program, including the United States Geological Survey's roles, goals, and objectives within that Program,

its capabilities and research needs, guidance on achieving major objectives, and establishing and measuring performance goals. The Advisory Committee shall issue an annual report to the Director for submission to Congress on or before September 30 of each year. The report shall describe the Advisory Committee's activities and address policy issues or matters that affect the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program.

## FIRE ADMINISTRATION AUTHORIZATION ACT OF 2000

### FRIST AMENDMENT NO. 4324

Mr. SESSIONS (for Mr. FRIST) proposed an amendment to the bill (H.R. 1550) to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes, as follows:

Strike out all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fire Administration Authorization Act of 2000".

#### SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(3) by adding at the end the following:

"(I) \$44,753,000 for fiscal year 2001, of which \$3,000,000 is for research activities, and \$250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which \$6,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel;

"(J) \$47,800,000 for fiscal year 2002, of which \$3,250,000 is for research activities, and \$250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which \$7,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel; and

"(K) \$50,000,000 for fiscal year 2003, of which \$3,500,000 is for research activities, and \$250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which \$8,000,000 is for anti-terrorism training, including associated curriculum development for fire and emergency services personnel." None of the funds authorized for fiscal year 2002 may be obligated unless the Administrator has verified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the obligation of funds is consistent with the strategic plan transmitted under section 302 of this Act."

#### SEC. 3. STRATEGIC PLAN.

(a) REQUIREMENT.—Not later than April 30, 2001, the Administrator of the United States Fire Administration shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 5-year strategic plan of program activities for the United States Fire Administration.

(b) CONTENTS OF PLAN.—The plan required by subsection (a) shall include—

(1) a comprehensive mission statement covering the major functions and operations of the United States Fire Administration in the areas of training; research, development, test and evaluation; new technology and non-developmental item implementation; safety; counterterrorism; data collection and analysis; and public education;

(2) general goals and objectives, including those related to outcomes, for the major functions and operations of the United States Fire Administration;

(3) a description of how the goals and objectives identified under paragraph (2) are to be achieved, including operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

(4) an analysis of the strengths and weaknesses of, opportunities for, and threats to the United States Fire Administration;

(5) an identification of the fire-related activities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies, and a discussion of how those activities can be coordinated with and contribute to the achievement of the goals and objectives identified under paragraph (2);

(6) a description of objective, quantifiable performance goals needed to define the level of performance achieved by program activities in training, research, data collection and analysis, and public education, and how these performance goals relate to the general goals and objectives in the strategic plan;

(7) an identification of key factors external to the United States Fire Administration and beyond its control that could affect significantly the achievement of the general goals and objectives;

(8) a description of program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations;

(9) a plan for the timely distribution of information and educational materials to State and local firefighting services, including volunteer, career, and combination services throughout the United States;

(10) a description of how the strategic plan prepared under this section will be incorporated into the strategic plan and the performance plans and reports of the Federal Emergency Management Agency;

(11)(A) a description of the current and planned use of the Internet for the delivery of training courses by the National Fire Academy, including a listing of the types of courses and a description of each course's provisions for real time interaction between instructor and students, the number of students enrolled, and the geographic distribution of students, for the most recent fiscal year;

(B) an assessment of the availability and actual use by the National Fire Academy of Federal facilities suitable for distance education applications, including facilities with teleconferencing capabilities; and

(C) an assessment of the benefits and problems associated with delivery of instructional courses using the Internet, including limitations due to network bandwidth at training sites, the availability of suitable course materials, and the effectiveness of such courses in terms of student performance;

(12) timeline for implementing the plan; and

(13) the expected costs for implementing the plan.

#### SEC. 4. RESEARCH AGENDA.

(a) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act,

the Administrator of the United States Fire Administration, in consultation with the Director of the Federal Emergency Management Agency, the Director of the National Institute of Standards and Technology, representatives of trade, professional, and non-profit associations, State and local firefighting services, and other appropriate entities, shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the United States Fire Administration's research agenda and including a plan for implementing that agenda.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) identify research priorities;

(2) describe how the proposed research agenda will be coordinated and integrated with the programs and capabilities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies;

(3) identify potential roles of academic, trade, professional, and non-profit associations, and other research institutions in achieving the research agenda;

(4) provide cost estimates, anticipated personnel needs, and a schedule for completing the various elements of the research agenda;

(5) describe ways to leverage resources through partnerships, cooperative agreements, and other means; and

(6) discuss how the proposed research agenda will enhance training, improve State and local firefighting services, impact standards and codes, increase firefighter and public safety, and advance firefighting techniques.

(c) USE IN PREPARING STRATEGIC PLAN.—The research agenda prepared under this section shall be used in the preparation of the strategic plan required by section 302.

#### SEC. 5. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

The Federal Fire Prevention and Control Act of 1974 is amended by adding at the end the following new section:

#### "SEC. 33. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

"The Administrator shall make publicly available, including through the Internet, information on procedures for acquiring surplus and excess equipment or property that may be useful to State and local fire, emergency, and hazardous material handling service providers."

#### SEC. 6. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

The Federal Fire Prevention and Control Act of 1974, as amended by section 304, is amended by adding at the end the following new section:

#### "SEC. 34. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

"The Administrator shall make publicly available, including through the Internet, information on procedures for establishing cooperative agreements between State and local fire and emergency services and Federal facilities in their region relating to the provision of fire and emergency services."

#### SEC. 7. NEED FOR ADDITIONAL TRAINING IN COUNTERTERRORISM.

(a) IN GENERAL.—The Administrator of the United States Fire Administration shall conduct an assessment of the need for additional capabilities for Federal counterterrorism training of emergency response personnel.

(b) CONTENTS OF ASSESSMENT.—The assessment conducted under this section shall include—

(1) a review of the counterterrorism training programs offered by the United States Fire Administration and other Federal agencies;

(2) an estimate of the number and types of emergency response personnel that have,

during the period between January 1, 1994, and October 1, 1999, sought training described in paragraph (1), but have been unable to receive that training as a result of the oversubscription of the training capabilities; and

(3) a recommendation on the need to provide additional Federal counterterrorism training centers, including—

(A) An analysis of existing Federal facilities that could be used as counterterrorism training facilities; and

(B) a cost-benefit analysis of the establishment of such counterterrorism training facilities.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prepare and submit to the Congress a report on the results of the assessment conducted under this section.

#### SEC. 8. WORCESTER POLYTECHNIC INSTITUTE FIRE SAFETY RESEARCH PROGRAM.

From the funds authorized to be appropriated by section 2, \$1,000,000 may be expended for the Worcester Polytechnic Institute fire safety research program.

#### SEC. 9. INTERNET AVAILABILITY OF INFORMATION.

Upon the conclusion of the research under a research grant or award of \$50,000 made with funds authorized by this Act (or any Act amended by this Act), the Administrator of the United States Fire Administration shall make available through the Internet home page of the Administration a brief summary of the results and importance of such research grant or award. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

#### SEC. 10. CONFORMING AMENDMENTS AND REPEALS.

(a) 1974 ACT.—

(1) IN GENERAL.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(A) by striking subsection (b) of section 10 (15 U.S.C. 2209) and redesignating subsection (c) of that section as subsection (b);

(B) by striking sections 26 and 27 (15 U.S.C. 2222; 2223);

(C) by striking “(a) The” in section 24 (15 U.S.C. 2214) and inserting “The”; and

(D) by striking subsection (b) of section 24.

(2) REFERENCES TO SECRETARY.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(A) in section 3 (15 U.S.C. 2203)—

(i) by inserting “and” after the semicolon in paragraph (7);

(ii) by striking paragraph (8); and

(iii) by redesignating paragraph (9) as paragraph (8);

(B) by striking paragraph (2) of section 15(a) (15 U.S.C. 2214(a)) and inserting the following:

“(2) the Director's Award For Distinguished Public Safety Service (Director's Award)”;

(C) by striking “Secretary's Award” each place it appears in section 15 (15 U.S.C. 2214) after subsection (a) and inserting “Director's Award”; and

(D) by striking “Secretary” each place it appears in section 15 (15 U.S.C. 2214) after subsection (a), in section 16(a) (15 U.S.C. 2215(a)), and in section 21(c) (15 U.S.C. 2218(c)) and inserting “Director”.

(b) DEPARTMENT OF COMMERCE.—Section 12 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended—

(1) by inserting “and” after “Census;” in paragraph (5);

(2) by striking paragraph (6); and

(3) by redesignating paragraph (7) as paragraph (6).

#### SEC. 11. NATIONAL FIRE ACADEMY CURRICULUM REVIEW.

(a) IN GENERAL.—The Administrator of the United States Fire Administration, in consultation with the Board of Visitors and representatives of trade and professional associations, State and local firefighting services, and other appropriate entities, shall conduct a review of the courses of instruction available at the National Fire Academy to ensure that they are up-to-date and complement, not duplicate, courses of instruction offered elsewhere. Not later than 180 days after the date of enactment of this Act, the Administrator shall prepare and submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) examine and assess the courses of instruction offered by the National Fire Academy;

(2) identify redundant and out-of-date courses of instruction;

(3) examine the current and future impact of information technology on National Fire Academy curricula, methods of instruction, and delivery of services; and

(4) make recommendations for updating the curriculum, methods of instruction, and delivery of services by the National Fire Academy considering current and future needs, State-based curricula, advances in information technologies, and other relevant factors.

#### SEC. 12. REPEAL OF EXCEPTION TO FIRE SAFETY REQUIREMENT.

(a) REPEAL.—Section 4 of Public Law 103-195 (107 Stat. 2298) is hereby repealed.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 1 year after the date of the enactment of this Act.

#### SEC. 13. NATIONAL FALLEN FIREFIGHTERS FOUNDATION TECHNICAL CORRECTIONS.

(a) PURPOSES.—Section 151302 of title 36, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) primarily—

“(A) to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters' Memorial and the annual memorial service associated with the memorial; and

“(B) to, in coordination with the Federal Government and fire services (as that term is defined in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203)), plan, direct, and manage the memorial service referred to in subparagraph (A);”;

(2) by inserting “and Federal” in paragraph (2) after “non-Federal”;

(3) paragraph (3)—

(A) by striking “State and local” and inserting “Federal, State, and local”; and

(B) by striking “and” after the semicolon;

(4) by striking “firefigths.” in paragraph (4) and inserting “firefighters.”; and

(5) by adding at the end the following:

“(5) to provide for a national program to assist families of fallen firefighters and fire departments in dealing with line-of-duty deaths of those firefighters; and

“(6) to promote national, State, and local initiatives to increase public awareness of fire and life safety.”

(b) BOARD OF DIRECTORS.—Section 151303 of title 36, United States Code, is amended—

(1) by striking subsections (f) and (g) and inserting the following:

“(f) STATUS AND COMPENSATION.—

“(1) Appointment to the board shall not constitute employment by or the holding of an office of the United States.

“(2) Members of the board shall serve without compensation.”; and

(2) by redesignating subsection (h) as subsection (g).

(c) OFFICERS AND EMPLOYEES.—Section 151304 of title 36, United States Code, is amended—

(1) by striking “not more than 2” in subsection (a); and

(2) by striking “are not” in subsection (b)(1) and inserting “shall not be considered”.

(d) SUPPORT BY THE ADMINISTRATOR.—Section 151307(a)(1) of title 36, United States Code, is amended—

(1) by striking “The Administrator” and inserting “During the 10-year period beginning on the date of enactment of the Fire Administration Authorization Act of 2000, the Administrator”; and

(2) by striking “shall” in subparagraph (B) and inserting “may”.

#### PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that a staff member, Sally Phillips, be granted the privilege of the floor for debate during consideration of the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEATH OF GOVERNOR MEL CARNAHAN

Mr. BOND. Mr. President, I rise today to share with my colleagues the sadness that all of us in Missouri feel this week. This has been a very, very sad week for us.

Late Monday evening, we lost our Governor, Mel Carnahan, along with his son, Randy, and a top aide, Chris Sifford, who were killed tragically in a plane crash.

Nearly having completed two terms as Governor, Mel Carnahan was in a heated race for the Senate with our colleague, JOHN ASHCROFT. Mel Carnahan was a devoted husband, father, and grandfather as well as a public servant who had devoted much of his career and much of his adult life to serving the people of our State.

The news of Governor Carnahan's very untimely and tragic death serves as a reminder to all of us of the preciousness of life and its unpredictability.

Our thoughts, our prayers, and our sympathy go out to his wife Jean, to his daughter Robin, to his sons, Russ and Tom, and his grandchildren during this difficult time. We also extend our deepest sympathies to all the people who worked closely with him and considered him their close friend. None of us can pretend to understand the pain they must feel at this time.

But I hope they will find comfort in knowing that their husband, father, grandfather, and friend will have a lasting impact on many lives. The fruits of Mel Carnahan's efforts will be felt in our State for many years to come. He presided over a period of economic growth in our State. He worked hard to reform Missouri's welfare system, crime laws, and educational system.

Mel Carnahan and I were friends for a long time—probably 30 years. It is no secret that we were often political opponents. We disagreed on a lot of things, and he was a tough opponent; no question about that.

A couple of years ago when I was getting ready to run for reelection, there was some thought that we might have to run against each other. But at that time, he chose to stay in Jefferson City and serve the people of Missouri for the remainder of his term as Governor. When asked why he entered public service, Governor Carnahan said he was inspired by the words of Adlai Stevenson, who said public service was a "high calling," and he urged young people to get involved.

Mel Carnahan lived his belief that public service was a "high calling." He brought the best of himself to the job. He loved Missouri and Missourians. He loved rural Missouri and his adopted hometown of Rolla, MO. He always wanted the best for our State. While the two of us may only have agreed on a handful of issues in 30 years, when it came time to defend the interests of Missouri, we fought arm in arm together. Some of you may recall a few battles we had on behalf of Missouri and the neighbors of the Missouri River in a battle against the Fish and Wildlife Service.

But in the end, a man's position on the issues of the day is only a small measure of his life.

In this age of multimillion-dollar campaign advertising budgets and media consultants, Gov. Mel Carnahan still believed in keeping in touch with individual Missourians. He died while attempting to get to a campaign event in a small town in Missouri that maybe few outside our State ever heard of. As Governor, he crisscrossed our State endlessly, visiting schools and farms, veterans, and highway dedications. He worked hard and Missourians loved him for it. Twice they elected him by large margins to the highest office in our State.

I particularly admired and appreciated the friendship we had as political opponents, as people committed to public service in our State.

I was with him on Saturday at the homecoming for the University of Missouri. We shared a common interest on that day; our football team didn't do well. But Mel Carnahan, with a ready smile and a lovely wife, was there. We enjoyed our time together as we appreciated and looked back on the tremendous accomplishments he had and the contributions he made to the State of Missouri.

At a commencement speech in his town of Rolla last year, Governor Carnahan told graduates, "Each of you was put on this Earth for a reason . . . life is precious and fragile . . . and each of us has such a short time to make our mark on the world that we must not waste it."

Surely Mel Carnahan wasted no time. He made the most of every minute, and

our lives are richer for it, and for his friendship.

Our thoughts and prayers are with his family and his friends in Missouri.

Mr. CONRAD. Mr. President, I too want to speak about the former Governor of Missouri, Mel Carnahan.

Over the last 3 weeks, I was engaged, along with my colleague, Senator DORGAN, in intense negotiations with Governor Carnahan and the two Senators from Missouri with respect to a major water project in our State, the Dakota Water Resources Act.

We had the opportunity to talk to Governor Carnahan directly, and we talked to his top staff repeatedly. I found him to be a fierce advocate for the people of Missouri, just as I have found Senator BOND and Senator ASHCROFT to be fierce advocates for the people of Missouri.

We have had a difficult time reaching conclusion on our water project because of objections from the State of Missouri. But the representatives of that State—Senator BOND, Senator ASHCROFT, and Governor Carnahan—worked in good faith with us, all the while protecting vigorously and aggressively the interests of their State. I respect that. That is what representatives are supposed to do.

I found Governor Carnahan to be absolutely ferocious on the issues that he thought were important to the people of his State. When I heard the news that he had been killed in a tragic plane accident, it saddened me. It saddened our family because we are certain that the Carnahans are suffering greatly. And the people of Missouri have had a terrible loss.

It reminded me of a similar incident with a Missouri Senate candidate more than 20 years ago, Congressman Litton, who was also killed in a light plane crash in that State. It almost makes one wonder if Missouri is somehow star crossed with leaders of that caliber—so widely respected by the people of their States—being lost in these tragic accidents.

I send my best wishes to the Carnahan family and to people all over the country who are grieving at the loss of the Governor of that great State. We are thinking of the family and thinking of the friends and staff of Governor Carnahan.

As I say, I have had several weeks in which I talked frequently to the Governor's chief of staff and the head of his department of natural resources. I found them to be very good people, very decent people—very difficult to negotiate with but very good people. We share their loss.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I understand we are in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

#### WORLD PEACE

Mr. LAUTENBERG. Mr. President, I take a few minutes to discuss something that has been in front of our eyes and in front of our minds these last couple of weeks; that is, the turmoil we are witnessing in the Middle East. Those horrible pictures of young people engaged in violence and paying a terrible price for the consequence of that violence. Not just the young people—women, children, young men.

I think it is fair to say that everyone who sees what is taking place wishes it weren't happening. The question is raised about our responsibility and what do we do about it. Is there an opportunity for us to lend peace a hand, to see whether or not we can encourage the reduction of violence, the elimination of the confrontation with stones and tanks and guns, to see if there isn't something more that we could do than to simply be a witness.

Mr. President, I commend President Clinton's efforts. He has been such a wonderful peacemaker in his term of office.

I have been to the places he has exerted some effort, i.e., Ireland. I was there many years ago and met with people in the north and met people from the Republic. I talked to Catholics and Protestants and tried to help make adjustments in our funding support so it would be more balanced, balanced towards those people who needed help while asking those who did not to at least participate in a nonviolent manner to get the killing and the mayhem stopped.

President Clinton took the initiative there. He sent Senator Mitchell, one of our very good friends from this place, a distinguished Senator; a distinguished judge before he came to the Senate. He worked tirelessly. He would get the two sides to at least stop shooting at one another and come to the negotiating table. It has had a shaky peace arrangement, but at least people are not dying. And if they are, it is an exceptional occasion and not the usual thing.

I was in Kosovo and Bosnia with other Members of the Senate and saw the unacceptable behavior of the leadership there, as they committed the genocidal acts against innocent people. We became engaged, and it was a tough fight to become a part of the peace-making structure. We didn't always agree with our friends in Europe about whether or not it was in their interests or our interests. I think we have seen that too many times.

I was a veteran during the war a long time ago. I enlisted in the Army. Even in those early days in the last century when Hitler started to invade neighboring countries, killing people, separating groups from one another so they

could be attacked in an organized fashion, there were people, I understand, as I read the history, who questioned whether it was something in which the United States should become involved. Before we knew it, we had no choice. When our ships were attacked in Pearl Harbor, we were in it 110 percent, with some 15 million people in uniform. We fought hard. Hearts were broken. Families paid a price. Young people died—among others, but those who were involved in the military were young.

In the last half of the 20th century, democracy flourished in some of those places. We still have troops in Germany, in Japan, in South Korea—50 years later.

Sometimes, I must tell you, I do not understand it when questions are raised here about our role: Are we going to be the policeman of the world? Does it have our interest in it?

I remember the debate on Kosovo and Bosnia. There were many who said we have no business being there. I disagreed. I disagreed strongly, and I encouraged us to do what we did. President Clinton and Vice President GORE led the charge, if I may say, by making certain we protected our pilots and our military servicepeople wherever they were in the area as we took on the task of stopping a mad, genocidal attack on people in Kosovo and at times before that in Bosnia itself. It was a wonderful conclusion that we lost no one in combat, but we stopped the killing of innocent people. Kosovo is being rebuilt. Again, maybe it is a shaky peace but a peace. That is the critical issue. The question was raised, as I said, was that in our national interest? Are we going to be the policeman of the world?

Now we are faced with another situation. When terrorism rears its ugly head, and when those who want to violate the safety and well-being of ordinary citizens and take it into their hands to determine who is wrong and who is right commit atrocious acts, it does almost always come home to roost. It is proven that at some point in time it is in our national interest. Our national interest is to protect our people. Maybe in the process we reach out to protect others so violence does not spread and we are not looking at wholesale attacks on innocent people.

The other day when the U.S.S. *Cole* was struck by madmen who detonated bombs that tore the U.S.S. *Cole* apart, left a hole in the hull of the U.S.S. *Cole*, in a ship that was designed to withstand torpedoes and other pieces of military weaponry, and killed 17 people, if one read the biography of so many of them who died, they were young: 19, 20 years old. I enlisted when I was 18. It is so very young. And 37 more, I think the number is, were wounded, many of them seriously wounded, and just brought home. Today I know there was a memorial service in Norfolk, VA, for those who died. The President was there. He made certain he got back from Egypt on time to be there.

I wonder how many people are saying, do we have an interest, a national interest in what is taking place there when terrorism is allowed to flourish, and included in that activity are American citizens, those who were there to maintain the peace?

The other day we passed a piece of legislation which I had the privilege of authoring that compensated victims of terrorist activity, families who lost people I knew, who lost a daughter in Israel in an attack on a bus outside the Gaza Strip. She was 20 years old, there on business, innocent, studying, trying to learn something about a heritage that she and her family were proud of—killed by a terrorist's bomb.

Iran was held in our courts to be the country of responsibility. We took further action based on legislation that had passed through this House that enabled people to bring suits against those countries, to attach their assets that may have been in America. A resolution was adopted and the President is going to be signing a bill into law very shortly permitting the distribution of funds to those families. They didn't want the money but they didn't want other families to have to suffer the same consequences they did.

Now we look at the President's attempt to bring peace to Israel and the Palestinians. We do not know whether that effort is going to work. But we do know that the President did the right thing to assert the presence of America and to say we want to see peace in this area.

We are friendly with both sides in the dispute there, perhaps friendlier, as I think we should be, in many ways to the democratic nation of Israel because it is a democracy and people have choices about things. But we do not want to see Palestinians killed. It pained us all to see the picture of that young boy who was shot in a crossfire. It pained us all to see a couple of soldiers, who were doing no harm, taken to a jail and held there as prisoners until a mob was able to get their hands on them and lynch them, mutilate them—lynched them not with a rope but lynched them in terms of taking their lives in a mob attack, parading their bodies through the streets, mutilating them even as they lay dead.

It is time for us to ask those who can stop this violence, who can at least slow it down, at least encourage peace, to step up and do so and not hold out a friendly American hand to those who will not.

I welcomed Mr. Arafat here in 1993. I was amazed to see Prime Minister Rabin; the President of the United States; and the Chairman of the Palestinian Authority, Yasser Arafat; shaking hands because I had only known about Yasser Arafat in an earlier time when he wore a gun on his hip and went to the United Nations and held the gun up as a manifestation of his view of how disputes are resolved.

Now we see what is happening, even though there was a tacit agreement to

try and stop the violence and the Israelis were cooperating. They permitted the reopening of the Gaza airport. I was there the week before that airport was opened. I was so positive about it bringing an opportunity to the Palestinian people in Gaza to have their economy lifted, to have their hopes and spirits lifted at the same time, that perhaps an improvement in their way of life and their economy might be possible because they live in desperate conditions.

We have seen the violence, the rioting, the abuse, the stone throwing. Stone throwing is not an acceptable way of resolving disputes. It does not matter what the weapon is; it is a weapon; and it is designed to intimidate and punish a people with whom there is a disagreement. The Israelis retaliated. They have a responsibility, in my view, to protect their people and protect their property, protect their integrity as a democratic nation.

I did not see any Israeli gloating about the fact that a Palestinian life was taken. We saw some action by some of the so-called settlers in territories in the West Bank who took action against their Palestinian neighbors, and the Prime Minister rebuked them and said: No Jewish Israelis, no Israelis should be taking mob rule into their own hands and harming people or killing them.

He came out against it.

Chairman Arafat in 1993, when he stood on the lawn at the White House, signed a statement that violence was no way to resolve differences, and he took an oath, practically speaking, that he would do whatever he could to abolish it.

What we have seen in the last few days is inconsistent with that position, and we ought to notice it. When the U.N. took up a resolution that blamed Israel for all the problems, I was disappointed that the United States did not veto that resolution. But I know in this administration, this President, the Vice President, and the Secretary of State, all have peace in mind. I thought perhaps that was the reason we did not veto this resolution but, rather, abstained. Therefore, I do not second-guess the decision, but I hope if there are more such lopsided resolutions, the United States will veto it and not permit it to continue.

It is fair to say the Israelis are making a genuine effort to stop the violence. And on the Palestinian side, they want it stopped. We heard Prime Minister Barak talking about it. They do not want to kill Palestinians. They do not want to injure people on the other side of the issue, but it is fair to say, Mr. Arafat, I was one in the Senate who supported financial assistance for the Palestinians when they signed the agreement to establish a peaceful relationship. I was one of those who encouraged it. I was one of those who said the Palestinians needed some hope and some expectation that their lives would improve, that their standard of



living would be better, that their children could get an education, that they could have the proper health services they needed.

I was filled with hope. I wanted to make certain that we showed our good faith by doing something positive for the Palestinians.

I know Israel very well. I have visited there many times, and I know a lot of people there. Yitzhak Rabin was a personal friend of mine. When he was killed by one of his own people, it was a tragedy felt round the world.

The nation of Israel continued to try to make peace. Prime Minister Barak, the most heavily decorated soldier in the Israeli military, the most highly decorated soldier, is a prominent peacemaker. He wants to establish peace. He has seen war at its worst. That is why he has the medals that reflect heroism, bravery, and valor, but he did not like the killing. He did what he had to do to protect his country, and he is doing the same thing now, trying to protect his country and is trying to do it without violence, without responding violently to the attacks of his country. He is pleading for there to be peace, some measure of tranquillity on both sides.

So as we mourn the loss of our young people, the sailors from the U.S.S. *Cole*, we wish those who are ill, who are wounded, who are injured, a full and speedy recovery.

We also wish we can be witnesses to a more peaceful discussion about where the relationship between Israel and the Palestinians will go. They can get along—they must get along—to try to resolve every difference. Whether it is with slingshots and stones or rifles or artillery pieces, it is not an appropriate way to resolve those problems.

But I do respect Israel's right to defend itself, and I do respect the wishes of many of the people in Palestine, the Palestinian community, to have their freedoms enumerated very clearly—their capacity to raise their families, to have an opportunity for the appropriate education and standard of living that all people want.

But I call on Mr. Arafat, Yasser Arafat, with whom I have shaken hands many times—and in the tradition of the Middle East, we kissed each other on the cheek in good will when I was there at Gaza at the opening of the airport, when I was there to see the economic development that was taking place; I had so much respect for the things he was trying to do for his people—I send out a plea to him to gather whatever strength he has to take the leadership of the Palestinian Authority and do what he is supposed to as the chairman; that is, call for reconciliation, call for the end of the violence. Get back to the negotiating table. Air your differences. Ask the United States to help. Do not invite imbalance in resolutions and things such as that. Do not search for those who have a bias in this case to present programs for peace. But do what you said you would

do, Mr. Arafat, when you came here in 1993, when we sat around dinner tables together, when I visited you in Jericho, and we talked in such friendly fashion that I walked away believing we were seeing the accomplishment of miracles, small though they may be.

So I wish both sides the best wish I can, and that is for peace, to take care of your families, save your children by not taking other people's children, by not taking other people's lives.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. NICKLES. Mr. President, I heard my colleague from New Jersey making a very eloquent statement concerning the violence in the Middle East. I certainly share his concern and his wish that peace will be restored amongst the Palestinians and the Israelis.

I also heard him compliment the President on his efforts. And I compliment the President on his efforts in trying to contain the violence. But I am critical of the administration for a couple of things. I am critical of the administration for not vetoing Security Council Resolution 1322, which passed the Security Council on October 7. We could have vetoed this resolution. It was a biased resolution. It was an unbalanced resolution, a resolution that criticized Israel and did not criticize the Palestinians. The Palestinians have been very involved in creating a lot of the violence. This is a one-sided resolution. This administration did not veto it, for whatever reason.

Now the United Nations is considering another resolution, from what I understand from press reports and so on, that very strongly condemns Israel and is somewhat silent on the Palestinians.

Mr. President, I ask unanimous consent this Security Council resolution 1322 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### RESOLUTION 1322 (2000)

(Adopted by the Security Council at its 4205th meeting on 7 October 2000)

#### *The Security Council,*

Recalling its resolutions 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 672 (1990) of 12 October 1990, and 1073 (1996) of 28 September 1996, and all its other relevant resolutions,

Deeply concerned by the tragic events that have taken place since 28 September 2000, that have led to numerous deaths and injuries, mostly among Palestinians,

Reaffirming that a just and lasting solution to the Arab and Israeli conflict must be based on its resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, through an active negotiating process,

Expressing its support for the Middle East peace process and the efforts to reach a final settlement between the Israeli and Palestinian sides and urging the two sides to cooperate in these efforts,

Reaffirming the need for full respect by all of the Holy Places of the City of Jerusalem, and condemning any behaviour to the contrary,

1. Deplores the provocation carried out at Al-Haram Al-Sharif in Jerusalem on 28 Sep-

tember 2000, and the subsequent violence there and at other Holy Places, as well as in other areas throughout the territories occupied by Israel since 1967, resulting in over 80 Palestinian deaths and many other casualties;

2. Condemns acts of violence, especially the excessive use of force against Palestinians, resulting in injury and loss of human life;

3. Calls upon Israel, the occupying Power, to abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;

4. Calls for the immediate cessation of violence, and for all necessary steps to be taken to ensure that violence ceases, that new provocative actions are avoided, and that the situation returns to normality in a way which promotes the prospects for the Middle East peace process;

5. Stresses the importance of establishing a mechanism for a speedy and objective inquiry into the tragic events of the last few days with the aim of preventing their repetition, and welcomes any efforts in this regard;

6. Calls for the immediate resumption of negotiations within the Middle East peace process on its agreed basis with the aim of achieving an early final settlement between the Israeli and Palestinian sides;

7. Invites the Secretary-General to continue to follow the situation and to keep the Council informed;

8. Decides to follow closely the situation and to remain seized of the matter.

Mr. NICKLES. But it is interesting, the second statement says it:

Condemns acts of violence, especially the excessive use of force against Palestinians, resulting in injury and loss of human life.

No. 3, it:

Calls upon Israel, the occupying Power, to abide scrupulously by its legal obligations. . . .

It does not say for the Palestinians and it does not say for Mr. Arafat to abide by its obligations, and it does not talk about the Palestinians and their use of force.

I heard my colleague from New Jersey talk about the fact that Palestinians had a couple of Israelis who were murdered.

So my point is that the President of the United States should have urged our representative at the United Nations to veto this, use our veto in the Security Council to veto this very unbalanced, very biased, very anti-Israel resolution. And they did not do it. I think that was a mistake.

Now we see more violence. This recent attack on the U.S.S. *Cole* on October 12 killed 17 and wounded dozens. I think many of us were shocked by that. I heard some of the statements by the Secretary of State, by the Secretary of Defense, by the President: Boy, we're going to hold those people, those terrorists, those cowards who committed this cowardly deed and killed innocent U.S. soldiers, accountable.

Well, Mr. President, I have heard those words before. In many cases in past history, those words have been a lot stronger than our deeds. That bothers this Senator. I look back at some of

the terrorist activity that has happened in the Middle East over the last few years directed at the U.S. citizens and soldiers, and I am thinking: Wait a minute, I have heard those exact same words: We are going to hold these people accountable. And I look at what has happened.

In 1993, we had President Bush—at that time he was former President Bush. He traveled to Kuwait in April of 1993. He was there April 14 through 16. The Kuwaiti Government captured a van loaded with 180 pounds of explosives. This was an attempt to assassinate former President Bush. This administration launched 23 cruise missiles to show they were really upset about that, most of which hit in the sand; some may have hit the targets, or at least they are saying that—but a pretty mild response.

Again, was it directly targeted at those people who were directly responsible, or was it the United States kicking up and showing, well, we are a little peeved about this? Did we hold those people directly responsible who tried to assassinate President Bush? The answer is no. Did we capture those people who were directly involved in that? I believe the answer is no.

If the intelligence community knows more about this than I do, I would be happy for them to inform this Senator. But I do not believe the individuals who were directly involved in that terrorist activity were held accountable, that they were tried, that they were punished for that action.

What about the bombing of Khobar Towers? This happened June 25, 1996 as a result of a car bomb. The destruction looked very similar to the bombing in Oklahoma City, another car bomb that blew up the Federal building in Oklahoma City and killed 168 people. The car bomb outside the Khobar Towers killed 19 Americans, and it wounded 364.

I remember the President, I remember the Secretary of Defense, I remember the Secretary of State say: We will not stop until these cowards are brought to justice.

How many people have been brought to justice from the Khobar Towers bombing of 1996? The answer is, no one. The answer is, one person has been arrested. He is now in a Saudi jail—one person. A lot more than one person was responsible for the Khobar Towers bombing, a lot more than one person.

What has been the result? Have we held people accountable? No. That was the most massive terrorist attack against military personnel, certainly since the bombing in Lebanon. What did we do? Well, basically nothing. Basically nothing.

What about the bombings of the Embassies in Kenya and Tanzania? That was August 7, 1998. Bombs exploded at the U.S. Embassies in both Kenya and Tanzania, killed 252 people, including 12 Americans. Again, we heard this President, this Secretary of State, this Secretary of Defense say: We will hold

them accountable. What did we do? Once again, we lobbed some cruise missiles, and we hit, I guess, a terrorist camp in Afghanistan. I guess the principal terrorist we were aiming at was not there. Maybe some people were killed. Maybe those people were directly involved in the bombing; maybe they weren't. That is not very targeted, in my opinion. We also bombed a pharmaceutical plant that we may be making significant payments on because people determined maybe it wasn't directly involved. I don't know.

My point is, this administration has made very strong statements that we are going to hold people accountable for attacking U.S. facilities, U.S. soldiers. We did it again with the U.S.S. *Cole*. Frankly, we haven't done it. Our country hasn't done it. Maybe we lobbed some cruise missiles and maybe we directly or indirectly hit some people who might have been responsible, but it is a little questionable.

I think it almost sends a signal of weakness, if we don't hold people accountable. I think the rhetoric has been good. I think the language has been good. I don't think the results have been good. I think if there is a U.N. resolution that is biased and anti-Israel, it should be vetoed. I certainly believe we should find out those people who are responsible for the bombing of the U.S.S. *Cole*, and we should hold them accountable. We should find the people who are responsible for the bombing of the Khobar Towers, and we should hold them accountable. They should pay a penalty, a price, and, frankly, that has not happened.

I see my colleague wanting to speak. Mr. LAUTENBERG. If the Senator will allow me a few minutes, I appreciate that. It is very nice of him to do so.

I listened carefully. I have respect for our friend from Oklahoma. He has been here, despite his youth, for a long time. He knows how this place works.

President Bill Clinton went immediately to the scene of the violence, to Egypt, to the region where so much is taking place, to plead and beg and to force a peaceful resolution, to stop the violence. That is what he said: Stop the violence. He wasn't drawing the terms. It is not fair to say that we have done nothing.

We went into Afghanistan with bombs. We attacked what we thought was the appropriate target. Yes, we missed when we went to the Sudan, but is that a criticism of our troops, of our pilots? Are they saying that mistakes don't happen in conflict or in a wartime exercise? I am not talking about practice. I am talking about the exercise of defense. Would we restrict the rights of our citizens to travel? Do we say that our warships can't circulate around the world? Do we say we have to stay home, come back here and just hide in our harbors so that we don't have any problems? Our people who enlist always know there is some risk. They have been asked to do tough duty.

I am not sure about how the votes went when we decided to go to Kosovo, in deference to my colleague and friend from Oklahoma. I think there was a vote not to go to Kosovo by lots of people. I am not sure how the Senator from Oklahoma voted, but I do know there was sharp resistance: It was not in our national interest to stop the killing; it wasn't in our national interest to be on the side of antigencide, to stop the mutilation of communities and families and people and the abuse of women, the likes of which has rarely been seen in history.

It is not fair to say we have done nothing. We have tried. We have sent dozens of investigators to Yemen, and we have already made some progress. It is in the papers. I am not telling anything from the Intelligence Committee. But we have already found explosives in an apartment there. We are on the trail.

When Pan Am 103 went down, brought down by terrorists, we found, from the tiniest fiber of thread from a jacket, people who were the likely perpetrators.

This is not an idle administration. I would never say, because I am a Democrat and we have a Republican President, that there were times that I voted against going to war. There were times that I voted going for it. Because whenever I have a vote such as that, I look to the eyes of my son, when he was 22, and I say: This isn't a war I would send you to and, therefore, I am not sending other parents' sons. I enlisted when I was 18. My father was on his deathbed. My mother was 36 years old. I felt it was my responsibility to serve my country.

I think one has to be careful when we start suggesting that nothing is happening. As to the Khobar Towers, the example the Senator cited, it is outrageous that we haven't found the perpetrators of those killings of our troops. But I want to point a finger at Saudi Arabia, the country that we sent our troops to protect in 1990. We sent them out there, 450,000 or maybe even over 500,000, to protect the Saudis, our good friends, who are holding us by the throat with their oil prices. That is where they are. What have they done to help us find the perpetrators of the murder of our troops? Not very much, I can tell you that.

I have watched this very closely. So I will point fingers where they belong. Those pointed fingers didn't belong against the Bush administration who served until 1992 and they don't belong at the Clinton administration. Those examples are invalid.

We have done what we have to do. We are fully committed, every one of us, to finding those who did that dastardly bombing against the U.S.S. *Cole*. I predict we will find them, and we are going to get help from people we never expected. When the trade towers went down in New York City, I was commissioner of the port authority. We had offices, before I came to the Senate, in

that building. Unfortunately, a couple of the perpetrators came from my side of the Hudson River. But we searched until we found the people, just as we did in Oklahoma. We searched until we found the people. We can't push buttons and instantly solve these crimes that are planned by crazies, master-minded by people who have lots of skills in the wrong areas.

We do our share; we really do. I think it is unfair to cast a net. Yes, I disagree with the decision on the vote of the U.N., but I trusted this administration, I trusted our Government to say, OK, the reason we don't want to do it is to create a further imbalance, to further enrage the Palestinian young people, to further the violence that is going on there. We have hopes for peace. Our mission is peace, not to make more war.

So while we disagree—in hindsight it is always easy to disagree—the fact is, President Clinton picked up bag and baggage, went there overnight to try to bring the parties together. He is not disengaged by a longshot. We are not taking the Palestinian side in any issue. We are friends of Israel, but we are also cognizant that the Palestinians are humans. We don't want harm brought to them, either.

I am sorry to get so passionate about this, but I have strong views and I just disagree with our colleague from Oklahoma.

Mr. NICKLES. Mr. President, I didn't hear total disagreement. I think I heard my colleague say he agreed with me that the administration should have vetoed the U.N. resolution that strongly condemned Israel and was silent about Palestinian violence. We agree.

I think he also said he agreed with me that we should be very assertive in trying to find those people responsible for the Khobar Towers, for that bombing that was so damaging, that killed 19 Americans, wounded a couple hundred others. We haven't had success. He is critical of the Saudi Government. So am I.

The point being, our language and our rhetoric in some cases has exceeded our results. When we had two American embassies that were bombed, what did we do? We lobbed a few cruise missiles. We don't know if those hit the people who were directly responsible or not.

The point is, if you are going to hold people accountable, you want to hold the people who are directly accountable for committing the crime against American citizens who killed American citizens, and we haven't done that in the two latest cases of terrorism. Frankly, if you don't hold them accountable, I think that sends a bad signal.

I would agree with my colleague from New Jersey, we should certainly hold people accountable for the U.S.S. *Cole*. Likewise we should hold people accountable on Khobar Towers and on American embassies, and that hasn't happened yet. That was my point.

## THE AGRICULTURE CONFERENCE REPORT

Mr. NICKLES. Mr. President, I want to comment on the Agriculture conference report that just passed overwhelmingly today in the Senate. It already passed the House and it will be going to the President to be signed. In my opinion, there are a couple of provisions in this bill that really should not have been included and are serious mistakes that may come back to haunt Congress or will require Congress to change their actions.

One of them deals with private contracts. I happen to believe very strongly in private contracts. I came from the business sector, the private sector. When Congress interferes in private contracts, it ought to have a good reason. It ought to know what it is doing. Frankly, it should hardly ever do so. In this case, we put some language in this bill that I venture to say very few of our colleagues—maybe only a couple—even know it exists or what its ramifications will be.

There is language in the Agriculture conference report that doesn't deal with Agriculture but deals with reimportation of drugs. Yes, we debated reimportation language on the Senate floor, but we didn't debate this contracting issue.

Senator JEFFORDS offered an amendment dealing with reimportation of drugs. However, the amendment offered by Senator JEFFORDS contained some serious flaws, which led me to oppose the amendment. For example, the original Senate language included a provision that would have established two separate standards for drugs that were sold in the United States. One standard, which is current law, with regard to drugs that are manufactured and sold in the U.S. And a separate, and in my opinion, inferior standard for drugs that are imported or reimported into the U.S. Fortunately, the conference agreement corrected the flaws of the original Jeffords language and will require that all drugs, including those imported by businesses other than the manufacturer, must fully comply with Section 505 of the Federal Food, Drug and Cosmetic Act. This means that every importer must ensure that all safety standards which are included in a new drug approval application (NDA) are fully met for every drug which is imported into the U.S. Additionally, the conference agreement retained Senator COCHRAN's amendment that perfected and improved the Jeffords amendment to require that the Secretary ensure that if drugs are imported, U.S. safety standards will be used to ensure that these drugs pose no risk to the public health and that consumers will benefit from any potential savings prior to this law going into effect. I supported the Cochran amendment and I am pleased that this bill included that language.

However, in conference, new language was added that was not in either the House bill or the Senate bill. It

wasn't in any of the language adopted on the Senate floor. This language states:

No manufacturer of covered products—[prescription drugs]—may enter into a contract or agreement that includes a provision to prevent the sale or distribution of covered products under this subsection.

What does that mean? Well, it means that this Congress could either abrogate or direct contracts which don't meet this new federal test. I think that is a serious problem. This could make it illegal for a patent holder to insert a clause into a private licensing agreement with a foreign distributor that prevents a foreign distributor from reselling that product for any reason.

This proposal could prohibit any private agreement that limits or restricts the sale of drugs, including quantities, territories, resale conditions, or other normal terms of commerce.

I think this Congress is inappropriately intruding into commerce in ways that we don't have any idea what we are doing, what the ramifications may be and may in fact be unconstitutional. But that's not all. Additionally, the language we have adopted would direct the U.S. Government to sanction companies that structure their business relationships with foreign distributors in a manner inconsistent with the legislation. A lot of these businesses have been doing business with people to resell their drugs, and we are going to say they are not doing it right so we can fine them. We may in fact require them to sell to anybody. Can they resell in any way they want to? Not according to this language. So a manufacturer can lose total control of its products and this may at some point result in a number of counterfeit drugs and other safety problems. How is this type of provision consistent with the basic concept of private property and freedom to contract? It is not. It really makes no sense. Have we had any hearings on this? No. If you restrict this kind of contract for pharmaceutical companies, why in the world can't you do it for any other contract? So somebody says, wait a minute; this just deals with pharmaceutical products. Frankly, if Congress can insert itself into contracting language, are we going to do the same thing on contracts between auto dealers or other private business.

There is a little bill floating around that would try to do that. We can do it on other contracts where maybe we deem we have superior wisdom to all the business groups out there or anybody who has a contract, that we know better. What does this language mean? What is its impact? We are going to go and give the authority to fine somebody if they don't comply. Wow. This is in an appropriations bill. It didn't come through the Judiciary Committee or a committee composed of people who work on contracts or work on judicial issues. We are setting up that kind of a program, and I am embarrassed for us to do that.

This type of legislating sets a horrible precedent for other businesses as well. It is not appropriate for this Congress to force American manufacturers to sell their products to consumers that they do not want to sell to under contract terms that the federal government approves. This type of requirement is unfair and lacks common sense. I predict it will raise serious constitutional questions as well and may interfere with the exercise of intellectual property rights. It is unfortunate that this language was included in this bill. I think this is a serious mistake.

It is somewhat similar to another mistake, in my opinion, included in this bill, which is title X, the continued dumping and subsidies offset. It is a brand new provision. It is a provision inserted in the Agriculture conference. It deals with subsidies and with dumping. Those are trade issues, trade sanctions, usually handled in the Ways and Means Committee in the House and the Finance Committee in the Senate. This didn't go through either. I will tell my colleagues this provision could not pass the Finance Committee. It could not pass the Ways and Means Committee.

This runs directly contrary, frankly, to free trade and the idea of trying to expand trade. This says if you have a dumping complaint, and if you happen to win, the benefits go back directly to that company, directly to the individuals involved. So there is a reward and incentive that if you file a dumping complaint and win, you will receive benefits. This encourages lawsuits on dumping because you can win the "lottery." Here they come. It doesn't make sense. It is probably not WTO consistent. This says "consistent with the rights under the World Trade Organization." I venture to say that it is not consistent with WTO rights in any way, shape, or form. It will probably be thrown out by the courts.

Why are we doing this? I am on the Finance Committee, and did we have a hearing on this? No, we did not. Did the Ways and Means Committee have a hearing on this? I don't believe so. But all of a sudden, it is inserted into a conference report which is not amendable. Some colleagues say they don't like this process. I don't like this process either. I think it is bad legislation. I think it can come back to haunt us, and we could be talking about hundreds and hundreds of millions of dollars from this provision alone.

Again, how many colleagues are even aware that this is in the bill? We have committees of jurisdiction, such as the Judiciary Committee, that should be dealing with contracts and they should have handled this contracting issue. My guess is that they would have scrubbed it and done a better job. The Finance Committee, which deals with trade, would totally reject this idea of rewarding people if they file successful dumping lawsuits.

Mr. President, it is with regret that I say there are other aspects of this Ag-

riculture appropriations bill, which has grown substantially, that bother this Senator. We would end up passing a bill that increases budget authority over the President by 22 percent in outlays and 24 percent in budget authority. That bothers me. It bothers me when we see growth in the discretionary portion of this bill to that extent—to be growing at 24 percent I don't think is affordable or responsible. I could go on.

Also, there are expansions of entitlements. I remember earlier this year when we passed emergency assistance, and we busted that. We busted it big time. I understand there are a lot of problems. We had a drought as bad as anybody. Texas suffered from a drought and so did we. This is fiscally irresponsible, in my opinion. And because of the provision dealing with dumping and the abrogation of contracts, or the changing of contracts, and the total cost of this bill, regrettably, this Senator had to vote against the Agriculture conference report.

I see my colleague from Alabama is here. I am prepared to wrap up. How long does he wish to speak?

Mr. SESSIONS. Fifteen minutes.

Mr. NICKLES. I will give the Senator from Alabama the pleasure of closing the Senate then.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Alabama is recognized.

#### THANKING THE ASSISTANT MAJORITY LEADER

Mr. SESSIONS. Mr. President, the assistant majority leader is becoming the conscience of this Senate. It is a thankless task to say no on bills as popular as the Agriculture bill—something that was important for my State. I voted for it and I respect it. I think it is also important if we are going to have any respect for our ultimate budget requirements, the people in our leadership need to stand up and speak out, and I appreciate him doing so. He provides great leadership for us.

#### CONGRESS' OVERSIGHT RESPONSIBILITIES

Mr. SESSIONS. Mr. President, I am concerned that we as a Congress have not been as effective in our oversight responsibility as we should. I want to share some remarks on that subject in a minute. The distinguished assistant majority leader made some remarks about our failure to identify, prosecute, and hold to account individuals who have committed terrorist acts against American service men and women and citizens. That is an important issue. In fact, we have not been effective at it.

I remember when the attack was made on the Sudan pharmacy, the pill factory there. I remember the attack made on the facility in Afghanistan not long after that. The committee on which I serve had a hearing where the

Director of the FBI, Louis Freeh; former Director of the CIA under President Clinton, Mr. Woolsey; and Jean Kirkpatrick discussed that event.

Prior to that time, I had publicly stated that I did not believe President Clinton had utilized these attacks to distract attention from the domestic problems he was having at home. People were suggesting it was a "wag the dog" syndrome—an attack that may not have been justified but helped distract public attention from his own troubles. I said no about that. But I must admit after having heard at that hearing these distinguished Americans discuss how that attack was conducted that I was very troubled. I really did not believe it made a lot of sense to just lob missiles into a factory and hope that was justified factually; that it was a factory that may have had something to do with it; and, who would be injured. That kind of thing was very troubling, and certainly had no realistic impact or potential to hurt Bin Laden who may have been involved in that. In fact, he is under indictment now for terrorist acts.

Then in Afghanistan, we just shot off some missiles. We don't know whether or not anybody was hurt. That is all it was. So we retaliated. We had done something. We didn't really do anything. That is the fact. We really did not do anything. Nobody involved in that terrorist act that we know of to this day has been held to account because of it.

We have to be prepared to work hard to identify who was involved in those activities, and to do everything we can to arrest them and bring them into custody, and, if not and if they resist, to be able to take them out wherever they may be.

That is just the plain fact of it. Bin Laden, for example, has openly declared war on the United States. The attack on this vessel—the U.S.S. *Cole*—was more than just a terrorist attack. It was an act of war. We have every right, and we have a duty as any great nation does to defend itself and its ability to send its ships on the open seas, and to enter port in which it should be safe. We have every right, and we have a duty to respond to that. If we don't do so, who will be next? Who else will be hurt? I left the memorial service at Norfolk just today. It was a very moving ceremony with all of those sailors standing on the *Eisenhower*. When the Chief of Naval Operations for the Atlantic finished his speech, he said, "Remember the *Cole*." When the ceremony was over, one of those sailors on that great aircraft carrier yelled "Remember the *Cole*." It is our responsibility to remember those 17 who are no longer with us and the ones who are injured. We cannot allow this kind of activity time and time again, as Senator NICKLES said, to be carried out and nothing happen.

I am glad he talked about that. We need to do better.

OVERSIGHT OF GOVERNMENT  
BUILDINGS AND LEASES

Mr. SESSIONS. Mr. President, I believe it is our responsibility as Members of Congress to do unglamorous work called oversight. It is our duty to make sure our governmental agencies are, on a daily basis, spending money wisely and not ripping off the American taxpayer. I believe that is a constitutional duty. I believe we are legitimately criticized in this body for not being more aggressive about that. I have tried to resolve it. I am going to do better. I am going to take some action with regard to what I consider to be poor expenditures of money.

I initiated a project in my office I call "Integrity Watch." We examine suspected cases of waste, fraud, and abuse in the Federal Government. I think that is healthy.

I have exposed the enormous costs associated with the building of a new United Nations mission in New York. That building came in at \$88 million. It is nothing more than an office space for governmental employees who work at the U.N., and for two-thirds of the year almost half as many people are there. Only half the year will the space be nearly utilized.

It came in on a per square foot basis as the most expensive building that this Government has ever built—more expensive than our great Federal courthouses, some of which have been criticized like the one in Boston. It is more expensive per square foot than those great Federal courthouses.

Today I alert my colleagues to a problem I have noted. I hope we are not seeing a pattern of abuse of taxpayers.

The General Services Administration, the Government's landlord, is responsible for purchasing, leasing, and refurbishing the buildings that house Federal agencies and Departments. My concern is that too often Congress is simply rubber stamping leasing requests of GSA without exercising careful oversight responsibilities. Specifically, I am concerned about the proposed expenditure of Federal funds to lease space for the Department of Transportation and the procedure being used in that process.

In 1996, GSA came to Congress to receive authorization to secure a new lease for DOT. The current lease was to expire on March 31 of 2000. The prospectus GSA provided to Congress was very simple. It plainly stated that GSA "proposes a replacement lease of 1,199,000 to 1,320,000 rentable square feet of space and 145 official inside parking spaces for the Department of Transportation."

That was basically it.

On November 6 of 1997, the Senate Committee on Environment and Public Works, of which I was a member at that time, approved a resolution authorizing GSA to secure an operating lease for the headquarters. The resolution was just as simple as the prospectus. It was a one-page resolution authorizing GSA to enter into an oper-

ating lease not to exceed 20 years for approximately 1.1 million net usable square feet of space plus 145 official parking spaces at an estimated annual cost of \$55 million plus escalations.

Almost 2 years after GSA was given the go-ahead to procure the lease, the agency issued a 250-page solicitation for offers asking people to make proposals to secure this space for DOT. Buried in this SFO—Solicitation for Offers—are a number of alarming statements used by GSA in making its decision which may have a profound impact on the cost and the quality of the building, and, more importantly, the expense that we as taxpayers will pay over the next few decades.

It strikes me that GSA may well be deliberately ignoring their 1997 mandate, or at least violating the spirit and intent of the congressional authorization. One only needs to review the 250-page SFO to determine that GSA has decided unilaterally to go far beyond what they were authorized to lease by Congress.

Specifically, the requirement in the SFO that proposals are to provide a level of quality consistent with "the highest quality commercial office buildings over 250,000 square feet in Washington, DC."

I don't believe a Federal office building has to be equal to the highest quality private office space in this city. Federal dollars are paying for the building—taxpayer dollars—and that requirement cannot be justified.

Additionally, the congressional authorizing resolution said nothing about GSA securing a lease equal to the highest quality commercial building. They weren't given that commission.

I am also concerned about what appears to be the lavish excesses included in the performance specifications. Just for example, the SFO explains that the passenger elevators—this is not a ceremonial building; this is an office building—are to be made of "premium quality natural stone or terrazzo," and that the walls in each passenger elevator are to be "a combination of premium quality architectural wood paneling, premium quality natural stone, and finished metal."

I think this shows a real sense of disconnect from the American people, even of arrogance. Most families in the United States work hard to achieve the American dream of building and owning a home but can't afford to place "premium quality architectural wood paneling" in their home. Why should their hard-earned tax dollars that are extracted from them be spent so that Government workers can ride up and down these elevators with "premium quality natural stone" floors?

Additionally, I am concerned that other Government agencies will come to expect this same "highest quality, best-in-class" office space in Washington, DC, whether in a leased or renovated Government building. This could have a snowballing effect and create a procurement and budgetary drain on the country.

I am also disturbed by GSA's clear statement that price and cost to the Government are significantly less important than the scoring on technical factors.

In Alabama, families who are building a home first start with a budget. Once they begin to design a home, if they cannot afford a "premium quality natural stone or terrazzo" floor for the dining room, they may be forced to settle for a less expensive alternative. For the majority of families in this country, price and cost are the determining factors in all their decisions when they are building a new home. Why should the Government think it should act differently?

It is my belief that among the finalists who can clearly and credibly show that they meet the space and program requirements of the SFO, price and cost should clearly be the determining factor ultimately in making the lease award. To select a building on any other basis than best value seems, to me, quite unjustifiable.

In the next few weeks, GSA will make their decision on the location of the Department of Transportation headquarters building. I will be sending a letter to Senator BOB SMITH, the outstanding chairman of the Senate Committee on Environment and Public Works. I thank Chairman SMITH for taking a hard look at the U.N. building, too, in his role as the committee chairman. I will ask him and his committee to work with me to look into the procedures and standards that were passed by Congress in 1997 versus the solicitation for offer being used by GSA today for the Department of Transportation building.

I am afraid that under the current system, GSA is working with vague guidelines from Congress, very vague guidelines. In fact, their language, as I noted earlier, was "\$55 million plus escalations." That is not a crack in the door. That is a wide-open door, big enough to drive a truck through. I think they are using these vague guidelines, and these guidelines allow them to be free to set their own standards, potentially allowing them to commit to a building of unjustifiable expense.

I believe this Congress has a responsibility to our constituents to oversee and ensure all Government leases and all Government expenditures across the board, and that they are awarded to provide the Government the best quality. If we refuse to look at this, I believe we will have failed the taxpayers who will be paying for this bill. We will be potentially burdening them with an exorbitant price tag for simple office space beyond reason and justification.

I believe if we allow GSA to proceed with their current plans, we will not have followed through on our requirements of oversight to ensure that these moneys for lease space are properly approved. We want good space for the employees at the Department of Transportation. I hear they are happy where

they are. They are not asking to go to a new building or have a new building. We need to be sure that we give them a new 15-year lease, wherever it is, and that it is comparable in price. We ought not to spend a whole bunch of money to get a fancy new building somewhere at much greater expense than what they have if they are happy where they are. This is not a building that is old; it is about 30 years old. We need to look at that. I will be writing the chairman. I think we need to talk more about that.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar: No. 659, John E. McLaughlin, of Pennsylvania, to be Deputy Director of Central Intelligence.

I further ask unanimous consent the nomination be confirmed, the motion to consider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

## CENTRAL INTELLIGENCE

John E. McLaughlin, of Pennsylvania, to be Deputy Director of Central Intelligence.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

## ORDER FOR STAR PRINT

Mr. SESSIONS. Mr. President, I ask unanimous consent that S. Res. 376, previously agreed to, be modified and star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR STAR PRINT

Mr. SESSIONS. I further ask unanimous consent that the report to accompany S. 2580 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REAUTHORIZING GRANTS UNDER THE WATER RESOURCES RESEARCH ACT OF 1984

Mr. SESSIONS. I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of H.R. 4132, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4132) to reauthorize grants for water resources research and technology institutes established under the Water Resources Research Act of 1984.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4132) was read the third time and passed.

## RELEASE OF MR. EDMOND POPE

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 404, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 404) calling for the immediate release of Mr. Edmond Pope from prison in the Russian Federation for humanitarian reasons, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 404) was agreed to.

The preamble was agreed to.

## RECOGNIZING AND ADMITTING ISRAEL'S MAGEN DAVID ADOM SOCIETY

Mr. SESSIONS. I ask unanimous consent the Senate now proceed to the immediate consideration of Calendar No. 863, S. Res. 343.

The PRESIDING OFFICER. The clerk will report the resolution by title.

A resolution (S. Res. 343) expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society, with its emblem, the Red Shield of David.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 343) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 343

Whereas Israel's Magen David Adom Society has since 1930 provided emergency relief to people in many countries in times of need, pain, and suffering, regardless of nationality or religious affiliation;

Whereas in the past year alone, the Magen David Adom Society has provided invaluable humanitarian services in Kosovo, Indonesia, Ethiopia, and Eritrea, as well as Greece and Turkey in the wake of the earthquakes that devastated these countries;

Whereas the American Red Cross has recognized the superb and invaluable work done by the Magen David Adom Society and considers the exclusion of the Magen David Adom Society from the International Red Cross and Red Crescent Movement "an injustice of the highest order";

Whereas the American Red Cross has repeatedly urged that the International Red Cross and Red Crescent Movement recognize the Magen David Adom Society as a full member, with its emblem;

Whereas the Magen David Adom Society utilizes the Red Shield of David as its emblem, in similar fashion to the utilization of the Red Cross and Red Crescent by other national societies;

Whereas the Red Cross and the Red Crescent have been recognized as protective emblems under the Statutes of the International Red Cross and Red Crescent Movement;

Whereas the International Committee of the Red Cross has ignored previous requests from the United States Congress to recognize the Magen David Adom Society;

Whereas the Statutes of the International Red Cross and Red Crescent Movement state that it "makes no discrimination as to nationality, race, religious beliefs, class or political opinions," and it "may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature";

Whereas although similar national organizations of Iraq, North Korea, and Afghanistan are recognized as full members of the International Red Cross and Red Crescent Movement, the Magen David Adom Society has been denied membership since 1949;

Whereas in the six fiscal years 1994 through 1999, the United States Government provided a total of \$631,000,000 to the International Committee of the Red Cross and \$82,000,000 to the International Federation of Red Cross and Red Crescent Societies; and

Whereas in fiscal year 1999 alone, the United States Government provided \$119,500,000 to the International Committee of the Red Cross and \$7,300,000 to the International Federation of Red Cross and Red Crescent Societies: Now, therefore, be it

## Resolved, That—

(1) the International Committee of the Red Cross should immediately recognize the Magen David Adom Society and the Magen David Adom Society should be granted full membership in the International Red Cross and Red Crescent Movement;

(2) the International Federation of Red Cross and Red Crescent Societies should grant full membership to the Magen David Adom Society immediately following recognition by the International Committee of the Red Cross of the Magen David Adom Society;

(3) the Magen David Adom Society should not be required to give up or diminish its use of its emblem as a condition for immediate and full membership in the International Red Cross and Red Crescent Movement; and

(4) the Red Shield of David should be accorded the same recognition under international law as the Red Cross and the Red Crescent.

#### CONDEMNING THE ASSASSINATION OF FATHER JOHN KAISER

Mr. SESSIONS. I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 146, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Con. Res. 146) condemning the assassination of Father John Kaiser and others in Kenya and calling for a thorough investigation to be conducted in those cases, a report on the progress made in such an investigation to be submitted to Congress by December 15, 2000, and a final report on such an investigation to be made public, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. I ask unanimous consents the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 146) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. CON. RES. 146

Whereas Father John Kaiser, a Catholic of the Order of the Mill Hill Missionaries and a native of Minnesota, who for 36 years served as a missionary in the Kisii and Ngong Dioceses in the Republic of Kenya and advocated the rights of all Kenyans, was shot dead on Wednesday, August 23, 2000;

Whereas Father Kaiser was a frequently outspoken advocate on issues of human rights and against the injustice of government corruption in Kenya;

Whereas fellow priests report that Father Kaiser spoke to them of his fear for his life on the night before his assassination;

Whereas the murders of Father Stallone, Father Graife, and Father Luigi Andeni, all of Marsabit Diocese in Kenya, the circumstances of the murder of Brother Larry Timors of Nakuru Diocese in Kenya, the murder of Father Martin Boyle of Eldoret Diocese, and the murders of other local human rights advocates in Kenya have not yet been fully explained, nor have the perpetrators of these murders been brought to justice;

Whereas the report of a Kenyan governmental commission, known as the Akiwumi Commission, on the government's investigation into tribal violence between 1992 and 1997 in Kenya's Great Rift Valley has not yet been released in spite of several requests by numerous church leaders and human rights organizations to have the Commission's findings released to the public;

Whereas, after Father Kaiser's assassination, documents were found on his body that he had intended to present to the Akiwumi Commission;

Whereas the nongovernmental Kenyan Human Rights Commission has expressed

fear that the progress achieved in Kenya during the last few years in the struggle for democracy, the rule of law, respect for human rights, and meeting the basic needs of all Kenyans is jeopardized by the current Kenyan government; and

Whereas the 1999 Country Report on Human Rights released by the Bureau of Democracy, Human Rights, and Labor of the Department of State reports that the Kenyan Government's "overall human rights record was generally poor, and serious problems remained in many areas; while there were some signs of improvement in a few areas, the situation worsened in others." Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) condemns the violent deaths of Father John Kaiser and others who have worked to promote human rights and justice in the Republic of Kenya and expresses its outrage at those deaths;

(2) calls for a thorough investigation of those deaths that includes other persons in addition to the Kenyan authorities;

(3) calls on the Secretary of State, acting through the Assistant Secretary of State for Democracy, Human Rights, and Labor, to prepare and submit to Congress, by December 15, 2000, a report on the progress made on investigating these killings, including, particularly, a discussion of the actions taken by the Kenyan government to conduct an investigation as described in paragraph (2);

(4) calls on the President to support investigation of these killings through all diplomatic means; and

(5) calls for the final report of such an investigation to be made public.

#### 225TH BIRTHDAY OF THE U.S. NAVY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Res. 373, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 373) recognizing the 225th birthday of the United States Navy.

There being no objection, the Senate proceeded to consider the resolution.

• Mr. GRAMS. Mr. President, today it is my pleasure to pay tribute to the United States Navy as it celebrates the 225th anniversary of its founding. The Navy can be proud of a distinguished heritage, a heritage longer than that of the United States itself. Because of the dedicated service of our nation's sailors, Americans can feel secure that our shores are free from foreign aggression, and the world's oceans and seaways are open for peaceful commerce. The recent terrorist attack on the U.S.S. *Cole*, resulting in the death or presumed death of 17 sailors, reminds us of the personal risk that the members of our Navy bravely face every day, in peacetime as well as wartime.

On October 13, 1775, the Second Continental Congress authorized the acquisition of ships and establishment of a navy. Within a few days, a Naval Committee was established to coordinate the purchase of ships and the recruit-

ment of personnel, and to draft rules regulating the Navy's administration. Although the Continental Navy of the Revolutionary War was rather humble compared to today's Navy—it was made up of only 40 vessels at its peak—it played an important role in the miraculous success of the American Revolution. The Navy was able to seize almost 200 British ships as prizes, including many off the British coast, and this forced the British to divert valuable warships to the protection of transport convoys. It was in one of these raids that the legendary John Paul Jones uttered his immortal words: "I have not yet begun to fight!" And this spirit of unflagging courage and selfless discharge of duty has animated the hearts of every sailor since.

Our Founding Fathers saw the role of the Navy as important enough to merit specific mention in Article I, Section 8 of the Constitution, which empowers Congress to "provide and maintain a Navy." As American history has unfolded since then, the U.S. Navy has distinguished itself in every major armed conflict in the history of our country, from the War of 1812 and the Civil War all the way to the Gulf War and the conflict in Kosovo.

As we enter the 21st century, the U.S. Navy is without question the pre-eminent sea power in the world. On October 2, 2000, the active fleet contained 318 ships and 4,108 aircraft, and over 373,000 active-duty personnel filled the Navy's ranks. The U.S. Naval Academy in Annapolis provides its midshipmen with an academically rigorous curriculum, and no less important, leadership and character development. This rigorous preparation continues at a more advanced level at the Naval War College, which teaches the latest naval doctrine and strategy to senior and mid-level officers. Thanks to these prestigious institutions, the U.S. Navy boasts the finest and best qualified naval officers in the world, and the ability to face with confidence any challenge to American security.

According to the Navy, its mission is to "maintain, train and equip combat-ready naval forces capable of winning wars, deterring aggression and maintaining freedom of the seas." No matter where a sailor serves, whether on an aircraft carrier, submarine, battleship, cruiser, or naval base, his or her contribution is vital to fulfilling this mission. The Navy's worldwide reach allows our country to maintain U.S. national security through dominance of the seas, a dominance made possible by a combination of highly trained service members and highly sophisticated technology.

I'd like to take this opportunity to thank in particular those Minnesotans who have served, or are currently serving, in the Navy. I am proud of them, and they should know that their sacrifices on behalf of the cause of freedom are not taken for granted by their friends and neighbors in Minnesota.

I'm sure my colleagues will join me in recognizing the rich heritage and



dedicated service of the United States Navy on its anniversary.●

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 373) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 373

Whereas on Friday, October 13, 1775, the Continental Congress, representing the citizens of 13 American colonies, passed a resolution which stated "That a swift sailing vessel, to carry ten carriage guns, and a proportionable number of swivels, with eighty men, be fitted, with all possible dispatch, for a cruise of three months, and that the commander be instructed to cruise eastward, for intercepting such transports as may be laden with warlike stores and other supplies for our enemies, and for such other purposes as the Congress shall direct.":

Whereas the founders recognized the essential nature of a Navy to the strength and longevity of the Nation by providing authority to Congress "To provide and maintain a Navy" in article I of the Constitution;

Whereas a Naval Committee was established to build a fitting Navy for our fledgling country, acquire and fit out vessels for sea, and draw up regulations;

Whereas the Continental Navy began a proud tradition, carried out for 225 years by our United States Navy, to protect our island Nation and pursue the causes of freedom we hold so dear;

Whereas, for the past 225 years, the central mission of the Navy has been to protect the interests of our Nation around the world on the high seas, to fight and win the wars of our Nation, and to maintain control of the sea lines of communication enabling this Nation and other free nations to grow and prosper;

Whereas, whether in peace or at war, United States citizens around the world can rest assured that the United States Navy is on watch, ever vigilant, and ready to respond;

Whereas, for the past 225 years, Navy men and women, as both ambassadors and warriors, have won extraordinary distinction and respect for the Nation and its Navy on the high seas, among the ocean depths, on distant shores, and in the skies above;

Whereas the core values of "Honor, Courage, and Commitment" are the guides by which United States sailors live and serve;

Whereas the United States Navy today is the most capable, most respected, and most effective sea service in the world;

Whereas 75 percent of the land masses in the world are bounded by water and 75 percent of the population of the world lives within 100 miles of the sea, assuring that our Naval forces will continue to be called upon to respond to emerging crises, to maintain freedom of the sea, to deter would-be aggressors, and to provide our allies with a visible reassurance of the support of the United States of America; and

Whereas, no matter what the cause, location, or magnitude of future conflicts, the Nation can rely on its Navy to produce well-trained, well-led, and highly motivated sailors to carry out the missions entrusted to them: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the historic significance of the 225th birthday of the United States Navy;

(2) expresses the appreciation of the people of the United States to the Navy, and the men and women who have served in the Navy, for 225 years of dedicated service;

(3) honors the courage, commitment, and sacrifice that Americans have made throughout the history of the Navy; and

(4) gives special thanks to the extended Navy family of civilians, family members, and loved ones who have served and supported the Navy for the past 225 years.

#### UNANIMOUS CONSENT AGREEMENT—S. 2508

Mr. SESSIONS. Mr. President, I ask unanimous consent that at a time determined by the majority leader, after consultation with the minority leader, the Senate proceed to the consideration of Calendar No. 723, S. 2508 and it be considered under the following terms: 30 minutes for debate on the bill equally divided in the usual form; the only amendments in order be a substitute amendment No. 4303, submitted by Senator CAMPBELL. Further, I ask unanimous consent that a Feingold amendment be in order to the substitute relative to non-Indian water users and limited to 30 minutes equally divided in the usual form.

I further ask unanimous consent that following the above debate time, the Senate proceed to vote in relation to the Feingold amendment; further, the substitute amendment then be agreed to, as amended, if amended, the bill then be read the third time, and the Senate proceed to a vote on passage of the bill, with no further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EARTH, WIND, AND FIRE AUTHORIZATION ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 760, S. 1639.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1639) to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977, for the National Weather Service and Related Agencies, and for the United States Fire Administration for fiscal years 2000, 2001, and 2002.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment, as follows: [Strike out all after the enacting clause and insert the part printed in *italic*.]

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Earth, Wind, and Fire Authorization Act of 2000".*

#### TITLE I—EARTHQUAKE HAZARDS REDUCTION ACT

#### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) *FEDERAL EMERGENCY MANAGEMENT AGENCY.—Section 12(a)(7) of the Earthquake Hazards*

*Reduction Act of 1977 (42 U.S.C. 7706(a)) is amended—*

*(1) by striking "and" after "1998"; and*

*(2) by striking "1999." and inserting "1999; \$19,861,000 for the fiscal year ending September 30, 2001, of which \$450,000 shall be used to support the National Earthquake Hazard Reduction Program-eligible efforts of an established multi-state consortium to reduce the unacceptable threat of earthquake damages in the New Madrid seismic region through efforts to enhance preparedness, response, recovery, and mitigation; \$20,953,000 for the fiscal year ending September 30, 2002; and \$22,105,000 for the fiscal year ending September 30, 2003.".*

*(b) UNITED STATES GEOLOGICAL SURVEY.—Section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)) is amended—*

*(1) by inserting after "operated by the Agency." the following: "There are authorized to be appropriated to the Secretary of the Interior for purposes of carrying out, through the Director of the United States Geological Survey, the responsibilities that may be assigned to the Director under this Act \$47,360,000 for fiscal year 2001; \$49,965,000 for fiscal year 2002; and \$52,713,000 for fiscal year 2003.";*

*(2) by striking "and" at the end of paragraph (1);*

*(3) by striking "1999." at the end of paragraph (2) and inserting "1999"; and*

*(4) by inserting after paragraph (2) the following:*

*"(3) \$9,000,000 of the amount authorized to be appropriated for fiscal year 2001;*

*"(4) \$9,250,000 of the amount authorized to be appropriated for fiscal year 2002; and*

*"(5) \$9,500,000 of the amount authorized to be appropriated for fiscal year 2003.".*

*(c) NATIONAL SCIENCE FOUNDATION.—Section 12(c) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(c)) is amended—*

*(1) by striking "1998, and" and inserting "1998."; and*

*(2) by striking "1999." and inserting "1999, and (5) \$19,000,000 for engineering research and \$11,900,000 for geosciences research for the fiscal year ending September 30, 2001. There are authorized to be appropriated to the National Science Foundation \$20,045,000 for engineering research and \$12,555,000 for geosciences research for fiscal year 2002 and \$21,147,000 for engineering research and \$13,246,000 for geosciences research for fiscal year 2003.".*

*(d) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 12(d) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(d)) is amended—*

*(1) by striking "1998, and"; and inserting "1998."; and*

*(2) by striking "1999." and inserting "1999, \$2,332,000 for fiscal year 2001, \$2,460,000 for fiscal year 2002, and \$2,595,300 for fiscal year 2003.".*

#### SEC. 102. REPEALS.

*Section 10 and subsections (e) and (f) of section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705d and 7706 (e) and (f)) are repealed.*

#### SEC. 103. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

*The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:*

#### "SEC. 13. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

*"(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish and operate an Advanced National Seismic Research and Monitoring System. The purpose of such system shall be to organize, modernize, standardize, and stabilize the national, regional, and urban seismic monitoring systems in the United States, including sensors, recorders, and data analysis centers, into a coordinated system that will measure and record the full range of frequencies and amplitudes exhibited*

by seismic waves, in order to enhance earthquake research and warning capabilities.

“(b) MANAGEMENT PLAN.—Not later than 90 days after the date of the enactment of the Earthquake Hazards Reduction Authorization Act of 2000, the Director of the United States Geological Survey shall transmit to the Congress a 5-year management plan for establishing and operating the Advanced National Seismic Research and Monitoring System. The plan shall include annual cost estimates for both modernization and operation, milestones, standards, and performance goals, as well as plans for securing the participation of all existing networks in the Advanced National Seismic Research and Monitoring System and for establishing new, or enhancing existing, partnerships to leverage resources.

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) EXPANSION AND MODERNIZATION.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to establish the Advanced National Seismic Research and Monitoring System—

“(A) \$33,500,000 for fiscal year 2001;

“(B) \$33,700,000 for fiscal year 2002;

“(C) \$35,100,000 for fiscal year 2003;

“(D) \$35,000,000 for fiscal year 2004; and

“(E) \$33,500,000 for fiscal year 2005.

“(2) OPERATION.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to operate the Advanced National Seismic Research and Monitoring System—

“(A) \$4,500,000 for fiscal year 2001; and

“(B) \$10,300,000 for fiscal year 2002.”

#### SEC. 104. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

#### “SEC. 14. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

“(a) ESTABLISHMENT.—The Director of the National Science Foundation shall establish a Network for Earthquake Engineering Simulation that will upgrade, link, and integrate a system of geographically distributed experimental facilities for earthquake engineering testing of full-sized structures and their components and partial-scale physical models. The system shall be integrated through net-working software so that integrated models and databases can be used to create model-based simulation, and the components of the system shall be interconnected with a computer network and allow for remote access, information sharing, and collaborative research.

“(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts appropriated under section 12(c), there are authorized to be appropriated, out of funds otherwise authorized to be appropriated to the National Science Foundation, \$28,200,000 for fiscal year 2001 for the Network for Earthquake Engineering Simulation. In addition to amounts appropriated under section 12(c), there are authorized to be appropriated to the National Science Foundation for the Network for Earthquake Engineering Simulation—

“(1) \$24,400,000 for fiscal year 2002;

“(2) \$4,500,000 for fiscal year 2003; and

“(3) \$17,000,000 for fiscal year 2004.”

#### SEC. 105. BUDGET COORDINATION.

Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) is amended—

(1) by striking subparagraph (A) of subsection (b)(1) and redesignating subparagraphs (B) through (F) of subsection (b)(1) as subparagraphs (A) through (E), respectively;

(2) by striking “in this paragraph” in the last sentence of paragraph (1) of subsection (b) and inserting “in subparagraph (E)”; and

(3) by adding at the end the following new subsection:

“(c) BUDGET COORDINATION.—

“(1) GUIDANCE.—The Agency shall each year provide guidance to the other Program agencies concerning the preparation of requests for appropriations for activities related to the Program, and shall prepare, in conjunction with the other Program agencies, an annual Program budget to be submitted to the Office of Management and Budget.

“(2) REPORTS.—Each Program agency shall include with its annual request for appropriations submitted to the Office of Management and Budget a report that—

“(A) identifies each element of the proposed Program activities of the agency;

“(B) specifies how each of these activities contributes to the Program; and

“(C) states the portion of its request for appropriations allocated to each element of the Program.”

#### SEC. 106. REPORT ON AT-RISK POPULATIONS.

Not later than one year after the date of the enactment of this Act, and after a period for public comment, the Director of the Federal Emergency Management Agency shall transmit to the Congress a report describing the elements of the Program that specifically address the needs of at-risk populations, including the elderly, persons with disabilities, non-English-speaking families, single-parent households, and the poor. Such report shall also identify additional actions that could be taken to address those needs and make recommendations for any additional legislative authority required to take such actions.

#### SEC. 107. PUBLIC ACCESS TO EARTHQUAKE INFORMATION.

Section 5(b)(2)(A)(ii) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(2)(A)(ii)) is amended by inserting “, and development of means of increasing public access to available locality-specific information that may assist the public in preparing for or responding to earthquakes” after “and the general public”.

#### SEC. 108. LIFELINES.

Section 4(6) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7703(6)) is amended by inserting “and infrastructure” after “communication facilities”.

#### TITLE II—NATIONAL WEATHER SERVICE AND RELATED AGENCIES AUTHORIZATION ACT

##### SEC. 201. DEFINITIONS.

For purposes of this title, the term—

(1) “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration; and

(2) “Secretary” means the Secretary of Commerce.

##### SEC. 202. NATIONAL WEATHER SERVICE.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities activities of the National Weather Service \$634,872,000 for fiscal year 2001, \$669,790,000 for fiscal year 2002, and \$706,628,000 for fiscal year 2003, to remain available until expended. Of such amounts—

(1) \$466,471,000 for fiscal year 2001, \$492,127,000 for fiscal year 2002, and \$519,194,000 for fiscal year 2003 shall be for Local Warnings and Forecasts;

(2) \$1,000,000 for fiscal year 2001, \$1,055,000 for fiscal year 2002, and \$1,113,000 for fiscal year 2003 shall be for Advanced Hydrological Prediction System;

(3) \$619,000 for fiscal year 2001, \$653,000 for fiscal year 2002, and \$689,000 for fiscal year 2003 shall be for Susquehanna River Basin Flood Systems;

(4) \$35,596,000 for fiscal year 2001, \$37,554,000 for fiscal year 2002, and \$39,619,000 for fiscal year 2003 shall be for Aviation Forecasts;

(5) \$5,250,000 for fiscal year 2001, \$5,539,000 for fiscal year 2002, and \$5,843,000 for fiscal year

2003 shall be for Weather Forecast Offices (WFO) Facilities Maintenance;

(6) \$38,001,000 for fiscal year 2001, \$40,091,000 for fiscal year 2002, and \$42,296,000 for fiscal year 2003 shall be for Central Forecast Guidance;

(7) \$3,068,000 for fiscal year 2001, \$3,237,000 for fiscal year 2002, and \$3,415,000 for fiscal year 2003 shall be for Atmospheric and Hydrological Research;

(8) \$38,802,000 for fiscal year 2001, \$40,936,000 for fiscal year 2002, and \$43,188,000 for fiscal year 2003 shall be for Next Generation Weather Radar (NEXRAD);

(9) \$7,423,000 for fiscal year 2001, \$7,831,000 for fiscal year 2002, and \$8,262,000 for fiscal year 2003 shall be for Automated Surface Observing System (ASOS); and

(10) \$38,642,000 for fiscal year 2001, \$40,767,000 for fiscal year 2002, and \$43,010,000 for fiscal year 2003 shall be for Advanced Weather Interactive Processing System (AWIPS).

(b) PROCUREMENT, ACQUISITION, AND CONSTRUCTION.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Procurement, Acquisition, and Construction activities of the National Weather Service \$75,360,000 for fiscal year 2001, \$77,754,000 for fiscal year 2002, and \$71,012,000 for fiscal year 2003 to remain available until expended. Of such amounts—

(1) \$9,580,000 for fiscal year 2001, \$16,798,000 for fiscal year 2002, and \$15,931,000 for fiscal year 2003 shall be for Next Generation Weather Radar (NEXRAD).

(2) \$5,125,000 for fiscal year 2001, \$5,125,000 for fiscal year 2002, and \$5,125,000 for fiscal year 2003 shall be for Automated Surface Observing System (ASOS).

(3) \$17,300,000 for fiscal year 2001, \$17,300,000 for fiscal year 2002, and \$9,645,000 for fiscal year 2003 shall be for Advanced Weather Interactive Processing System (AWIPS);

(4) \$13,085,000 for fiscal year 2001, \$17,505,000 for fiscal year 2002, and \$19,285,000 for fiscal year 2003 shall be for Center Computer Facilities Upgrades;

(5) \$7,000,000 for fiscal year 2001, \$7,000,000 for fiscal year 2002, and \$7,000,000 for fiscal year 2003 shall be for Radiosonde Replacement;

(6) \$9,526,000 for fiscal year 2001, \$9,526,000 for fiscal year 2002, and \$9,526,000 for fiscal year 2003 shall be for Weather Forecast Office (WFO) Construction;

(7) \$6,244,000 for fiscal year 2001, \$4,500,000 for fiscal year 2002, and \$4,500,000 for fiscal year 2003 shall be for NOAA Weather Radio Expansion; and

(8) \$5,500,000 for fiscal year 2001 shall be for the Evansville Infrastructure Protection.

##### SEC. 203. ATMOSPHERIC RESEARCH.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Atmospheric Research Operations, Research, and Facilities environmental research and development activities of the Office of Oceanic and Atmospheric Research \$201,963,000 for fiscal year 2001, \$213,071,000 for fiscal year 2002, and \$224,790,000 for fiscal year 2003 to remain available until expended.

(2) CLIMATE AND AIR QUALITY RESEARCH.—Of the amounts authorized under paragraph (1), \$154,356,000 for fiscal year 2001, \$162,846,000 for fiscal year 2002, and \$171,802,000 for fiscal year 2003 shall be for Climate and Air Quality Research, of which—

(A) \$14,986,000 for fiscal year 2001, \$15,813,000 for fiscal year 2002, and \$16,683,000 for fiscal year 2003 shall be for Interannual and Seasonal Climate Research;

(B) \$30,525,000 for fiscal year 2001, \$32,204,000 for fiscal year 2002, and \$33,975,000 for fiscal year 2003 shall be for Long-Term Climate and Air Quality Research;

(C) \$67,095,000 for fiscal year 2001, \$70,785,000 for fiscal year 2002, and \$74,678,000 for fiscal year 2003 shall be for Climate and Global Change;

(D) \$5,000,000 for fiscal year 2001, \$5,275,000 for fiscal year 2002, and \$5,565,000 for fiscal year 2003 shall be for Global Learning and Observations to Benefit the Environment (GLOBE); and

(E) \$12,750,000 for fiscal year 2001, \$13,451,000 for fiscal year 2002, and \$14,191,000 for fiscal year 2003 for High Performance Computing and Communications.

(3) **ATMOSPHERIC PROGRAMS.**—Of the amounts authorized under paragraph (1), \$47,607,000 for fiscal year 2001, \$50,225,000 for fiscal year 2002, and \$52,988,000 for fiscal year 2003 shall be for Atmospheric Programs, of which—

(A) \$37,075,000 for fiscal year 2001, \$39,114,000 for fiscal year 2002, and \$41,265,000 for fiscal year 2003 shall be for Weather Research;

(B) \$4,350,000 for fiscal year 2001, \$4,589,000 for fiscal year 2002, and \$4,842,000 for fiscal year 2003 shall be for Wind Profiler; and

(C) \$6,182,000 for fiscal year 2001, \$6,522,000 for fiscal year 2002, and \$6,881,000 for fiscal year 2003 shall be for Solar-Terrestrial Services and Research.

(b) **PROCUREMENT, ACQUISITION, AND CONSTRUCTION.**—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Atmospheric Research Procurement, Acquisition, and Construction environmental research and development activities of the Office of Oceanic and Atmospheric Research \$7,000,000 for fiscal year 2001, \$7,000,000 for fiscal year 2002, and \$7,000,000 for fiscal year 2003, for the Geophysical Fluid Dynamics Laboratory Supercomputer.

#### **SEC. 204. NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE.**

(a) **OPERATIONS, RESEARCH, AND FACILITIES.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities environmental research and development and related activities of the National Environmental Satellite, Data and Information Service \$108,201,000 for fiscal year 2001, \$114,152,000 for fiscal year 2002, and \$120,430,000 for fiscal year 2003 to remain available until expended.

(2) **SATELLITE OBSERVING SYSTEMS.**—Of the amounts authorized under paragraph (1), \$63,412,000 for fiscal year 2001, \$66,900,000 for fiscal year 2002, and \$70,579,000 for fiscal year 2003 shall be for Satellite Observing Systems, of which—

(A) \$5,500,000 for fiscal year 2001, \$5,803,000 for fiscal year 2002, and \$6,122,000 for fiscal year 2003 shall be for Global Disaster Information Network (GDIN);

(B) \$4,000,000 for fiscal year 2001, \$4,220,000 for fiscal year 2002, and \$4,452,000 for fiscal year 2003 shall be for Ocean Remote Sensing; and

(C) \$53,912,000 for fiscal year 2001, \$56,877,000 for fiscal year 2002, and \$60,005,000 for fiscal year 2003 shall be for Environmental Observing Services.

(3) **ENVIRONMENTAL DATA MANAGEMENT SYSTEMS.**—Of the amounts authorized under paragraph (1), \$44,879,000 for fiscal year 2001, \$47,252,000 for fiscal year 2002, and \$49,851,000 for fiscal year 2003 shall be for Environmental Data Management Systems.

(b) **PROCUREMENT, ACQUISITION, AND CONSTRUCTION.**—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Procurement, Acquisition, and Construction environmental research and development and related activities of the National Environmental Satellite, Data and Information Service \$445,828,000 for fiscal year 2001, \$515,271,000 for fiscal year 2002, and \$554,945,000 for fiscal year 2003 to remain available until expended of such amounts—

(1) \$136,965,000 for fiscal year 2001, \$136,965,000 for fiscal year 2002, and \$103,010,000 for fiscal year 2003 shall be for the procurement and launch of, and supporting ground systems for, Polar Orbiting Environmental Satellites (POES), K, L, M, N, and O.

(2) \$76,654,000 for fiscal year 2001, \$156,731,000 for fiscal year 2002, and \$236,471,000 for fiscal year 2003 shall be for the procurement and launch of, and supporting ground systems for, the National Polar-Orbiting Operational Environmental Satellite System (NPOESS).

(3) \$323,209,000 for fiscal year 2001, \$221,575,000 for fiscal year 2002, and \$215,464,000 for fiscal year 2003 shall be for the procurement and launch of, and supporting ground systems for, Geo-stationary Operational Environment NEXT follow-on Satellites (GOES N-Q).

#### **SEC. 205. MINORITY SERVING INSTITUTIONS.**

There are authorized to be appropriated \$17,000,000 for fiscal year 2001, \$17,935,000 for fiscal year 2002, and \$18,921,000 for fiscal year 2003 for Minority Serving Institutions in the Atmospheric, Environmental, and Oceanic Sciences.

#### **SEC. 206. INTERNET AVAILABILITY OF INFORMATION.**

The Administrator shall make available through the Internet home page of the National Oceanic and Atmospheric Administration the abstracts relating to all research grants and awards made with funds authorized by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

### **TITLE III—FIRE ADMINISTRATION AUTHORIZATION ACT**

#### **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking “and” at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(3) by adding at the end the following:

“(I) \$69,753,000 for fiscal year 2001;

“(J) \$46,096,000 for fiscal year 2002; and

“(K) \$47,479,000, for fiscal year 2003.”.

None of the funds authorized for fiscal years 2001 and 2002 may be obligated unless the Administrator has verified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the obligation of funds is consistent with the strategic plan transmitted under section 302 of this Act.

#### **SEC. 302. STRATEGIC PLAN.**

(a) **REQUIREMENT.**—Not later than April 30, 2000, the Administrator of the United States Fire Administration shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 5-year strategic plan of program activities for the United States Fire Administration.

(b) **CONTENTS OF PLAN.**—The plan required by subsection (a) shall include—

(1) a comprehensive mission statement covering the major functions and operations of the United States Fire Administration in the areas of training; research, development, test and evaluation; new technology and non-developmental item implementation; safety; counterterrorism; data collection and analysis; and public education;

(2) general goals and objectives, including those related to outcomes, for the major functions and operations of the United States Fire Administration;

(3) a description of how the goals and objectives identified under paragraph (2) are to be achieved, including operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

(4) an analysis of the strengths and weaknesses of, opportunities for, and threats to the United States Fire Administration;

(5) an identification of the fire-related activities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies, and a discussion of how those activities can be coordinated with and contribute to the achievement of the goals and objectives identified under paragraph (2);

(6) a description of objective, quantifiable performance goals needed to define the level of performance achieved by program activities in training, research, data collection and analysis, and public education, and how these performance goals relate to the general goals and objectives in the strategic plan;

(7) an identification of key factors external to the United States Fire Administration and beyond its control that could affect significantly the achievement of the general goals and objectives;

(8) a description of program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations;

(9) a plan for the timely distribution of information and educational materials to State and local firefighting services, including volunteer, career, and combination services throughout the United States;

(10) a description of how the strategic plan prepared under this section will be incorporated into the strategic plan and the performance plans and reports of the Federal Emergency Management Agency;

(11)(A) a description of the current and planned use of the Internet for the delivery of training courses by the National Fire Academy, including a listing of the types of courses and a description of each course's provisions for real time interaction between instructor and students, the number of students enrolled, and the geographic distribution of students, for the most recent fiscal year;

(B) an assessment of the availability and actual use by the National Fire Academy of Federal facilities suitable for distance education applications, including facilities with teleconferencing capabilities; and

(C) an assessment of the benefits and problems associated with delivery of instructional courses using the Internet, including limitations due to network bandwidth at training sites, the availability of suitable course materials, and the effectiveness of such courses in terms of student performance;

(12) timeline for implementing the plan; and

(13) the expected costs for implementing the plan.

#### **SEC. 303. RESEARCH AGENDA.**

(a) **REQUIREMENT.**—Not later than 120 days after the date of the enactment of this Act, the Administrator of the United States Fire Administration, in consultation with the Director of the Federal Emergency Management Agency, the Director of the National Institute of Standards and Technology, representatives of trade, professional, and nonprofit associations, State and local firefighting services, and other appropriate entities, shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the United States Fire Administration's research agenda and including a plan for implementing that agenda.

(b) **CONTENTS OF REPORT.**—The report required by subsection (a) shall—

(1) identify research priorities;

(2) describe how the proposed research agenda will be coordinated and integrated with the programs and capabilities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies;

(3) identify potential roles of academic, trade, professional, and non-profit associations, and

other research institutions in achieving the research agenda;

(4) provide cost estimates, anticipated personnel needs, and a schedule for completing the various elements of the research agenda;

(5) describe ways to leverage resources through partnerships, cooperative agreements, and other means; and

(6) discuss how the proposed research agenda will enhance training, improve State and local firefighting services, impact standards and codes, increase firefighter and public safety, and advance firefighting techniques.

(c) **USE IN PREPARING STRATEGIC PLAN.**—The research agenda prepared under this section shall be used in the preparation of the strategic plan required by section 302.

#### **SEC. 304. SURPLUS AND EXCESS FEDERAL EQUIPMENT.**

The Federal Fire Prevention and Control Act of 1974 is amended by adding at the end the following new section:

##### **“SEC. 33. SURPLUS AND EXCESS FEDERAL EQUIPMENT.**

“The Administrator shall make publicly available, including through the Internet, information on procedures for acquiring surplus and excess equipment or property that may be useful to State and local fire, emergency, and hazardous material handling service providers.”.

#### **SEC. 305. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.**

The Federal Fire Prevention and Control Act of 1974, as amended by section 304, is amended by adding at the end the following new section:

##### **“SEC. 34. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.**

“The Administrator shall make publicly available, including through the Internet, information on procedures for establishing cooperative agreements between State and local fire and emergency services and Federal facilities in their region relating to the provision of fire and emergency services.”.

#### **SEC. 306. NEED FOR ADDITIONAL TRAINING IN COUNTERTERRORISM.**

(a) **IN GENERAL.**—The administrator of the United States Fire Administration shall conduct an assessment of the need for additional capabilities for Federal counterterrorism training of emergency response personnel.

(b) **CONTENTS OF ASSESSMENT.**—The assessment conducted under this section shall include—

(1) a review of the counterterrorism training programs offered by the United States Fire Administration and other Federal agencies;

(2) an estimate of the number and types of emergency response personnel that have, during the period between January 1, 1994, and October 1, 1999, sought training described in paragraph (1), but have been unable to receive that training as a result of the oversubscription of the training capabilities; and

(3) a recommendation on the need to provide additional Federal counterterrorism training centers, including—

(A) an analysis of existing Federal facilities that could be used as counterterrorism training facilities; and

(B) a cost-benefit analysis of the establishment of such counterterrorism training facilities.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prepare and submit to the Congress a report on the results of the assessment conducted under this section.

#### **SEC. 307. WORCESTER POLYTECHNIC INSTITUTE FIRE SAFETY RESEARCH PROGRAM.**

From the funds authorized to be appropriated by section 301, \$1,000,000 may be expended for the Worcester Polytechnic Institute fire safety research program.

#### **AMENDMENT NO. 4323**

(Purpose: To authorize appropriations for earthquake reduction activities, and for other purposes)

Mr. SESSIONS. Mr. President, Senator FRIST has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. FRIST, proposes an amendment numbered 4323.

(The text of the amendment is printed in today's RECORD under “Amendments Submitted.”)

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4323) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1639), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

#### **FIRE ADMINISTRATION AUTHORIZATION ACT OF 2000**

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 1550 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1550) to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLINGS. Mr. President, the United States has over 2 million fires annually. Each one can devastate a family or business. I should know. Last year, I lost my home in Charleston, SC to fire. The statistics—approximately 4500 deaths, 30,000 civilian injuries, more than \$8 billion in direct property losses, and more than \$50 billion in costs to taxpayers each year—do not tell the whole story. A fire can take away a lifetime of things that have true value only to the person who has suffered the loss. The tragic thing is that most of these fires are preventable.

H.R. 1550 would authorize appropriations for the United States Fire Administration for fiscal years 2001, 2002, and 2003. The Fire Administration provides invaluable services—such as training, data, arson assistance, and

research for better safety equipment and clothing—to the more than 1.2 million paid and volunteer firefighters throughout the Nation.

The administration's FY 2001 budget request for the Fire Administration was \$69 million, \$25 million of which was for grants to local fire departments. S. 1941, the Firefighter Investment and Response Enhancement Act, authorizes \$100 million in FY 2001 and \$300 million in FY 2002 for these grants. That bill was ordered to be reported by the Commerce Committee on September 20, 2000. Subsequently, the text of S. 1941, as reported, was included in the Department of Defense Authorization Act. Therefore, the substitute amendment to H.R. 1550 now under consideration does not include funding for grants to local fire departments within the Fire Administration's FY 2001 authorization.

The bill also provides additional funding for counterterrorism training, requires the Fire Administration to submit a strategic plan and a plan for research, and makes technical corrections to the Fire Prevention and Control Act of 1974 and the National Fallen Firefighters Foundation Act. I support H.R. 1550 and urge its immediate passage.

#### **AMENDMENT NO. 4324**

(Purpose: To authorize appropriations for the Fire Administration, and for other purposes)

Mr. SESSIONS. Mr. President, Senator FRIST has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. FRIST, proposes an amendment numbered 4324.

(The text of the amendment is printed in today's RECORD under “Amendments Submitted.”)

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1550), as amended, was read the third time and passed.

#### **HONORING THE MEMBERS OF THE CREW OF THE GUIDED MISSILE DESTROYER U.S.S. “COLE” WHO WERE KILLED OR WOUNDED IN THE TERRORIST BOMBING AT- TACK ON THAT VESSEL**

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 378, submitted by Senator WARNER for himself and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 378) honoring the members of the crew of the guided missile destroyer U.S.S. *Cole* (DDG-67) who were killed or wounded in the terrorist bombing attack on that vessel in Aden, Yemen, on October 12, 2000, expressing the sympathies of the Senate to the families of those crew members, commending the ship's crew for their heroic damage control efforts, and condemning the bombing of that ship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 378) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 378

Whereas the guided missile destroyer U.S.S. *COLE* (DDG-67) was severely damaged on October 12, 2000, when a boat bomb exploded alongside that ship while on a refueling stop in Aden, Yemen;

Whereas the explosion resulted in a 40-by-45 foot hole in the port side of the ship at the waterline and left seven of the ship's crew dead, ten who as of October 17, 2000, are missing and presumed dead, and over three dozen wounded;

Whereas the U.S.S. *COLE* had stopped in Aden for routine refueling while in transit from the Red Sea to the Persian Gulf to conduct forward maritime presence operations in the Persian Gulf region as part of the U.S.S. George Washington battle group;

Whereas the members of the United States Navy killed and wounded in the bombing were performing their duty in furtherance of the national security interests of the United States;

Whereas United States national security interests continue to require the forward deployment of elements of the Armed Forces;

Whereas the members of the Armed Forces are routinely called upon to perform duties that place their lives at risk;

Whereas the crew members of the U.S.S. *COLE* who lost their lives as a result of the bombing of their ship on October 12, 2000, died in the honorable service to the Nation and exemplified all that is best in the American people; and

Whereas the heroic efforts of the surviving crew members of the U.S.S. *Cole* after the attack to save their ship and rescue their wounded shipmates are in the highest tradition of the United States Navy: Now, therefore, be it

*Resolved*, That the Senate, in response to the terrorist bombing attack on the U.S.S. *COLE* (DDG-67) on October 12, 2000, hereby—

(1) honors the members of the crew of the U.S.S. *COLE* who died as a result of that attack and sends heartfelt condolences to their families, friends, and loved ones;

(2) honors the members of the crew of the U.S.S. *COLE* who were wounded in the attack for their service and sacrifice, expresses its hopes for their rapid and complete recovery, and extends its sympathies to their families;

(3) commends the crew of the U.S.S. *COLE* for their heroic damage control efforts; and

(4) condemns the attack against the U.S.S. *COLE* as an unprovoked and cowardly act of terrorism.

Mr. SESSIONS. Mr. President, I will just add that I know how deeply Senator WARNER feels about this. I am very appreciative that he submitted this resolution. Senator WARNER served in both the Marines and the Navy, serving as Secretary of the Navy, and now serves as chairman of the Armed Services Committee. He and a substantial delegation of Senators and Congressmen attended the services today for those sailors we lost on the *Cole*.

We need to remember the *Cole*, and we need to remember the hundreds of thousands of service men and women who are serving us around the globe who cannot be fully protected where they are. I think this is an important resolution today. It is appropriate that this Senate pauses to remember them.

MEMORIALIZING THE SAILORS OF THE NAVY LOST IN THE ATTACK ON THE U.S.S. "COLE"

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 379, submitted earlier by Senator SNOWE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 379) memorializing the sailors of the Navy lost in the attack on the U.S.S. *Cole* (DDG-67) in the port of Aden, Yemen, on October 12, 2000; extending condolences to their families and other loved ones; extending sympathy to the members of the crew of that vessel who were injured in the attack; and commending the entire crew for its performance and professionalism in saving the U.S.S. *Cole*.

There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Mr. President, I rise today to express how deeply saddened and angered I am by the apparent terrorist attack on the U.S.S. *Cole* on October 12th. Earlier today, along with many of my distinguished colleagues, I attended a memorial service in Norfolk, Virginia, the homeport of *Cole*. It was an emotional event. The nation lost 17 of its sons and daughters in the prime of their lives.

And we ask why? Why did this happen? I am hopeful that the details of the facts of this despicable act will be determined by the vigorous ongoing investigation. But I will tell my colleagues why—it is because we have national interests throughout the world and we have established a world wide military presence to protect these interests. We rely on these courageous young men and women who have volunteered to serve in our military to make the sacrifices necessary to protect these national interests. Mr. President, these young men and women of the U.S.S. *Cole* who were lost have made the ultimate sacrifice.

As the chair of the Seapower Subcommittee, I submitted a Senate resolution to memorialize those Sailors

who were lost and to extend our heartfelt condolences to their families, shipmates, and other loved ones, to express our concern for the Sailors injured in the attack and wish them a speedy and full recovery, and to commend the entire crew for the performance and professionalism in saving their shipmates and their ship. You all remain in our prayers.

With this apparent terrorist attack, once again, we were brutally reminded of the dangers and risks that our young men and women who serve in uniform face each hour of the day as they safeguard our nation's security interests around the world. In difficult times, one's true colors are revealed—and so I applaud the valiant and courageous actions of the entire crew of the U.S.S. *Cole* as they fought to save their shipmates and their ship from this despicable act.

The courageous crew of the *Cole* embodies the motto of their ship as "Determined Warriors." As we watched those first pictures unfold before our eyes I was struck by their professionalism, skill, and pride in fulfilling their duties. In that photo which shows a close up of the gaping hole at the waterline, I notice Sailors working on the deck just above, at once no doubt shocked and saddened by the loss of their shipmates, yet doing their jobs running pumps, securing lines, and carrying out the myriad other duties in this emergency with courage and determination.

Although I will reserve my judgment on the specific cause of this tragedy until the formal investigation has concluded and those responsible have been identified, there should be no mistake; those who want to disrupt peace and deter our nation from our global responsibilities must know that we will leave no stone unturned in our search to determine who is culpable. They must and will be held accountable. And I feel strongly that the US should keep all options open in determining the appropriate actions for holding those responsible accountable for this cowardly action.

The courage and resoluteness in the face of adversity shown by the gallant crew of the U.S.S. *Cole* is a national characteristic of Americans and when we are attacked under such circumstances, we all become "determined warriors."

The men and women of our armed forces are today's patriots who remain ever vigilant against those who seek to undermine peace and stability in the uncertain world in which we live. I have said before and I continue to believe that one of the United States' greatest blessings is that so many of her young men and women elect to stand vigil knowing full well the sacrifices they may be called upon to make. Certainly, America is stronger for their sacrifice and remains forever indebted.

Mr. President, again it is with the deepest sorrow that I rise today to

mourn the loss of our brave Sailors—my heart goes out to their families as well as those who have suffered injuries and their loved ones. May God grant them comfort and solace in the days ahead. It is my hope that, with this enrolled resolution, they will know that the entire nation grieves with them.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 379) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 379

Whereas the Arleigh Burke class destroyer U.S.S. Cole (DDG-67) was attacked in the port of Aden, Yemen, on October 12, 2000, apparently by terrorists who, by insidious ruse, drew along side the vessel in a small boat containing powerful explosives that detonated next to the hull of the vessel;

Whereas the horrific explosion in that attack resulted in the loss of 17 sailors and injury to another 39 sailors, all of them being members of the Navy serving in the crew of the U.S.S. Cole;

Whereas those sailors who lost their lives made the ultimate sacrifice in the service of the United States and the Navy;

Whereas all of the remaining members of the crew of the U.S.S. Cole responded valiantly and courageously to save their ship from sinking from the explosion and, in so doing, proved themselves to be "Determined Warriors", the motto of their ship; and

Whereas the men and women of the crew of the U.S.S. Cole, like all of the men and women of the Armed Forces, are the current patriots who stand ever vigilant against the attacks of those who seek to undermine peace and stability in an uncertain world: Now, therefore, be it

*Resolved*, That (a) the Senate memorializes those sailors of the Navy who were lost in the despicable attack on the U.S.S. Cole (DDG-67) on October 12, 2000, in the port of Aden, Yemen, as follows:

(1) Richard Costelow, Electronics Technician First Class, of Morrisville, Pennsylvania.

(2) Cherone Louis Gunn, Signalman Seaman Recruit, of Rex, Georgia.

(3) James Rodrick McDaniels, Seaman, of Norfolk, Virginia.

(4) Craig Bryan Wibberley, Seaman Apprentice, of Williamsport, Maryland.

(5) Timothy Lamont Saunders, Operations Specialist Second Class, of Ringold, Virginia.

(6) Lakiba Nicole Palmer, Seaman Recruit, of San Diego, California.

(7) Andrew Triplett, Ensign, of Macon, Mississippi.

(8) Lakeina Monique Francis, Mess Management Specialist, of Woodleaf, North Carolina.

(9) Timothy Lee Gauna, Information Systems Technician Seaman, of Rice, Texas.

(10) Ronald Scott Owens, Electronics Warfare Technician Third Class, of Vero Beach, Florida.

(11) Patrick Howard Roy, Fireman Apprentice, of Cornwall on the Hudson, New York.

(12) Kevin Shawn Rux, Electronics Warfare Technician Second Class, of Portland, North Dakota.

(13) Ronchester Manangan Santiago, Mess Management Specialist Third Class, of Kingsville, Texas.

(14) Gary Graham Swenchonis, Jr., Fireman, of Rockport, Texas.

(15) Kenneth Eugene Clodfelter, Hull Maintenance Technician Third Class, of Mechanicsville, Virginia.

(16) Mark Ian Neito, Engineman Second Class, of Fond du Lac, Wisconsin.

(17) Joshua Langdon Parlett, Engineman Fireman, of Churchville, Maryland.

(b) The Senate extends condolences to the members of the families, other loved ones, and shipmates of those devoted sailors who made the ultimate sacrifice in the service of the United States.

(c) It is the sense of the Senate that all of the people of the United States join the Chief of Naval Operations and the other members of the Navy in mourning the grievous loss of life among the members of the crew of the U.S.S. Cole resulting from the attack on that vessel.

SEC. 2. The Senate—

(1) recognizes the loss, sacrifice, valor, and determination of the surviving members of the crew of the U.S.S. Cole;

(2) extends sympathy to the 39 sailors of that crew who were injured in the attack on their vessel; and

(3) commends the members of the crew for their remarkable performance, professionalism, skill, and success in fulfilling their duties to support and save the U.S.S. Cole following the attack.

SEC. 3. The Secretary of the Senate shall transmit an enrolled copy of this resolution to the Chief of Naval Operations, the commanding officer of the U.S.S. Cole, and the family of each member of the United States Navy who was lost in the attack on the U.S.S. Cole (DDG-67) in the port of Aden, Yemen, on October 12, 2000.

Mr. SESSIONS. Mr. President, the Senator from Maine, Ms. SNOWE, chairs the Seapower Subcommittee in the Armed Services Committee, of which I am honored to be a member. I likewise appreciate very much her interest in expressing our sympathy to the families of those sailors who were lost.

ORDERS FOR THURSDAY, OCTOBER 19, 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 10:30 a.m. on Thursday, October 19. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business until 12:30, with the time equally divided between the two leaders or their designees, with Senators speaking for up to 5 minutes, with the following exceptions: Senator ASHCROFT for the first 15 minutes; Senator DURBIN or his designee, 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I further ask unanimous consent that the Senate recess from 12:30 until 2:15 to accommodate a party caucus.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, I say on behalf of the majority leader, following the recess on Thursday, the Senate may consider the VA-HUD appropriations conference report, if available; a continuing resolution, if received from the House; or a procedural vote with respect to the bankruptcy reform issue. Therefore, rollcall votes will occur during Thursday's session of the Senate.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:29 p.m., recessed until Thursday, October 19, 2000, at 10:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate October 18, 2000:

CENTRAL INTELLIGENCE

JOHN E. MCLAUGHLIN, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE.